

UNIVERSITY OF UTAH
ACADEMIC SENATE HANDBOOK
2009-2010



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FOREWORD

THE ACADEMIC SENATE OF THE UNIVERSITY OF UTAH

The Academic Senate is the major representative body of the academic community, representing faculty, students, and deans. Its 96 members consist of: faculty senators elected by the faculty of each college to represent their positions and concerns; two deans elected by their colleagues as voting members to provide liaison with the Council of Academic Deans; and 16 student senators, elected by students in the colleges to represent student opinions and academic interests. The senate also includes non-voting representatives from the administration and the ASUU student government.

The Academic Senate plays an integral part in the shared governance of the University of Utah. Its status is both formally codified in University Regulations and rooted deeply in the history of the university. Strong working relationships have developed between the senate and the administration in managing the issues faced by the university. Both senate and administration take the initiative in formulating issues and developing effective responses. Much of the actual senate work is carried out by the nine senate-elected committees, which work on the central academic issues of the institution. They report to the full senate.

A continuing challenge for a senator is how to effectively "represent" the views of constituents. Please take this challenge as a personal goal to find effective ways of informing your constituents on important senate issues and of soliciting their views before you are called upon to debate and vote. Some senators hold discussions of issues at departmental or College Council meetings, and some meet with the other senators in their college prior to senate meetings. For most matters being considered by the senate, materials useful for informing your constituents will be posted on the senate web site, which is located at: <http://www.admin.utah.edu/asenate/>. It is also important to note, and occasionally remind your constituents, that senate meetings are open to any member of the university community. All may attend and participate in discussions but not vote on motions.

Shared governance works only when we all meet our responsibilities. **Any senator who must miss a senate meeting should appoint a proxy to participate and vote at that meeting.** Please notify Nancy Lines, Secretary to the Faculty, of your proxy.

The Academic Senate Handbook is published as an introduction to the senate's organizational structure, basic rules and procedures. It will be a source of helpful information. Excerpts of University Policies pertinent to Senate activities are included in the handbook as resource material.

Should you have any questions regarding the Academic Senate, please contact James Anderson or Nancy Lines at the senate office at 581-5203, or academicsenate@utah.edu.

**UNIVERSITY OF UTAH
ACADEMIC SENATE
2009-2010**

President: James A. Anderson
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CHARGE OF ACADEMIC SENATE

Acts for the university faculty in all matters of educational policy, including requirements for admission, degrees, diplomas, certificates, and curricular matters involving relations between schools and colleges or departments; receives, considers, and takes action on reports from faculty committees, councils, divisions, departments, schools, colleges, and administrative officers; makes recommendations on matters of professional interest and faculty welfare; proposes to the Board of Trustees amendments to University Regulations for the government of the University.

Furthermore, the Academic Senate has the power to act for the faculty in the areas specified by applicable University Policies. The senate has the power to make rules governing its own organization and procedure.

CHARGE OF SENATE EXECUTIVE COMMITTEE

Prepares the agenda for the Academic Senate; reviews actions of college councils; initiates studies and legislation for senate action on matters not assigned to other university committees; acts for the senate during vacation periods and the summer term, or at other times when urgent matters require immediate attention; reports to the Academic Senate.

**EXECUTIVE COMMITTEE
of the Academic Senate
2009-2010**

Ex-Officio Members:

President

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**UNIVERSITY OF UTAH
ACADEMIC SENATE
2009-2010**

Area 1: ARCHITECTURE

Arthur C. (Chris) Nelson (12)
Antonio Serrato-Combe (10)

Area 2: BUSINESS (5)

Bob Allen (12)
Shmuel Baruch (10)
Steve Carson (11)
Tina Diekmann (12)
David Plumlee (10)

Area 3: EDUCATION (3)

Bob Hill (10)
Andrea Rorrer (12)
Paula Smith (11)

Area 4: ENGINEERING (5)

Tim Ameel (10)
Larry DeVries (11)
Eric Eddings (10)
Vladimir Hlady (11)
Peter Martin (10)

Area 5: FINE ARTS (5)

Joelle Lien (11)
David Pendell (10)
Donn Schaefer (10)
Tim Slover (10)
Donna White (12)

Area 6: HEALTH (4)

Sean Redmond (12)
Maria Newton (10)
Nelson Roy (11)
James Sibthorp (11)

Area 7: HUMANITIES (10)

Connie Bullis (11)
Vincent Cheng (11)
Marianna DiPaolo (10)
Nadja Durbach (11)
Pat Hanna (10)
Eric Hinderaker (10)
Tom Huckin (11)
Bruce Landsman (10)
Gerald Root (12)
Margaret Wan (12)

Area 8: LAW

Chris Peterson (12)
Rita Reusch (10)

Area 9: MEDICINE (13)

Richard Barton (11)
Marlene Egger (10)
Robert Fujinami (12)
Sandra Hasstedt (11)
Harriet Hopf (11)
Randy L. Jensen (10)
Stephen Lessnick (12)
Edward M. Levine (10)
James E. Metherall (10)
William C. Michel (11)
Kathryn Morton (11)
R. Lor Randall (10)
David Viskochil (12)

Area 10: MINES/EARTH SCI

John Bowman (11)
Kevin Perry (10)

Area 11: NURSING

Margaret (Mardie) Clayton (12)
Mollie Poynton (11)

Area 12: PHARMACY

Michael Goodman (12)
Steve Kern (11)

Area 13: SCIENCE (9)

Peter Alfeld (11)
David Ailion (10)
David Blair (11)
David Carrier (11)
George Cassidy (12)
John Conboy (10)
Richard Ernst (12)
Henryk Hecht (12)
Martin Horvath (12)

Area 14: SOC & BEH SCI (9)

Jessie Fan (10)
Richard Forster (12)
Lauren Holland (11)
David Kiefer (10)
Todd Kramer (12)
Laurence Loeb (11)
Steve Reynolds (11)
Bam Dev Sharda (11)
Cecilia Wainryb (10)

Area 15: SOCIAL WORK

Amanda Barusch (12)
Brad Lundahl (10)

Area 16: LIBRARIES (3)

Suzanne Darais (11)
Greg Hatch (10)
Allyson Mower (12)

Area 17: DEANS

Francis H. Brown (12)
Michael L. Hardman (10)

STUDENT SENATORS:

Tami Beck (Architecture)
Erica Sellers (Business)
Vanessa Vincente (Education)
Seth Welborn (Engineering)
Sarah Solomon (Fine Arts)
Zac Carter (Health)
Sam Thomas (Humanities)
Elizabeth Adoyo (Law)
Neal Nehta (Medicine)
Braden York (Mines & Earth Science)
Alysha Moore (Nursing)
Katie Moore (Pharmacy)
Irving Torres (Social & Behavioral Sci)
Lindsay Williams (Science)
Bryce Williams (Social Work)
Cameron King (University)

**ACADEMIC SENATE COMMITTEE CHAIRS
2009-2010**

Academic Freedom & Faculty Rights

Chair: TBD

Academic Policy Advisory Committee

Chair: Sara Shippobotham
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Annuities and Salaries Committee

Chair: Peter Alfeld
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581-6842

Consolidated Hearing Committee

Chair: Chairs appointed as needed

Faculty Budget and Planning Committee

Chair: Nancy Lombardo
Eccles H.S. Library
103 Eccles H.S. Library
nancyl@lib.med.utah.edu
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Library Policy Advisory Committee

Chair: Joanne Yaffe
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Personnel and Elections Committee

Chair: Phil Emmi
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581-4255 / 581-8217

University Diversity Committee

Chair: Wesley Sasaki-Uemura
History
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University RPT Standards Committee

Chair: Carleton DeTar
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SCHEDULE OF MEETINGS 2009-2010

ACADEMIC SENATE:

Academic Senate meetings are normally held the first Monday of each month at 3:00 p.m. in room 115 C. Roland Christensen Center. However, due to Labor Day in September, the first meeting of the Academic Senate will be August 31, 2009 in 220 ASB. The January meeting will be held on the second Monday. The 2009-2010 meeting schedule follows:

August 31, 2009	January 11, 2010
October 5, 2009	February 1, 2010
November 2, 2009	March 1, 2010
December 7, 2009	April 5, 2010
	May 3, 2010

If a Senator is unable to attend a Senate meeting, it is his/her responsibility to call the Senate Office at 581-5203 to be officially excused and to report who will be his/her alternate for the meeting. The alternate must meet the same eligibility guidelines as Senators who were elected by their colleagues. A list of alternates for your college will be provided by the Senate Office if needed. Agenda packets will be sent out one week prior to meetings.

ACADEMIC SENATE EXECUTIVE COMMITTEE:

The Senate Executive Committee meets each month on Monday, two weeks prior to the next Senate meeting, in 300 Park at 3:00 p.m. with the following exceptions. The January and February meetings will be held on the last Monday of the month for these two months only.

Meetings are as follows with **noon** deadlines for submission of items for agendas as indicated:

<u>MEETING</u>	<u>DEADLINE</u>	<u>MEETING</u>	<u>DEADLINE</u>
August 24, 2009	August 17, 2009	January 25, 2010	January 15, 2010
September 21, 2009	September 14, 2009	February 22, 2010	February 12, 2010
October 19, 2009	October 12, 2009	March 15, 2010	March 8, 2010
November 23, 2009	November 16, 2009	April 19, 2010	April 12, 2010
December 21, 2009	December 14, 2009		

FYI...School begins 8/25/09; Fall Semester Break begins on 10/12/09;
Spring Semester begins 1/11/10; Spring Break 3/22/10; Commencement 5/14/10

Listing of University Policies pertaining to the faculty and the Academic Senate:

- 1-001** describes role of Senate and Executive Committee in review and approval of University Regulations (Policies and Rules)
- 1-002** establishes parliamentary rules for governance purposes.
- 6-001** summarizes the composition and authority of the University Faculty, the Academic Senate, and University Committees.
- 6-002** details the governance and functions of the Academic Senate and its committees.
- 6-300** outlines the membership and authority of the University faculty as a whole.

The full, searchable version of University Regulations can be linked from the Senate web page or can be reached directly at the University Regulations Library website:

<http://www.regulations.utah.edu/>

[Excerpts of U-Policy 1-001, describing Senate and Executive Committee roles in review and approval of University Policies and Rules, under the new system of Regulations effective July 2008]
<http://www.regulations.utah.edu/general/1-001.html>

Policy 1-001: Policy on University Regulations.

Revision 1

I. Purpose and Scope

To define the requirements, terms, structure, and parameters associated with creating, revising, reviewing, retiring and implementing University Regulations.

II. Definitions

A. University Regulations -- **University Regulations consist of University Policies, University Rules, University Procedures**, and University Guidelines. University Regulations are distributed to members of the University Community through means determined by the President, which may include a university regulations library, maintained by an officer designated by the President, with appropriate provision for updating as needed.

B. Policy – **A University Policy** is a general statement addressing governance, philosophies, principles or broad concepts inherent in carrying out the missions of the University. Some Policies directly implement or are reflective of state or federal law or applicable policies, Procedures, or bylaws of the Utah State Board of Regents and Utah System of Higher Education. Other Policies implement appropriate academic principals, sound organizational theory or management ideals. University Rules, Procedures, and Guidelines, and [Supplemental] Rules and Procedures shall not be inconsistent with any University Policy. Policies are recommended by the President and approved by the Board of Trustees. Unless explicitly stated to the contrary in a particular Policy, every Policy is binding on all faculty, staff and students. If explicitly so stated, any particular Policy is also binding on all persons visiting the University or otherwise using any facility or other resources of the University.

C. Rule – **A University Rule** may either be a general statement governing the operations of the University or may provide more specific interpretive direction where University Policies are either silent, vague or flexible. Rules shall not be inconsistent with any University Policy, but may interpret, refine, clarify and complement one or more Policies. Rules often address the application of Policy and are authoritative. Rules are promulgated by the President, a Vice President, or another officer to whom the President or a Vice President has delegated such authority for a specified area of University operations. Unless explicitly stated to the contrary in a particular Rule, every Rule is binding on all faculty, staff and students. If explicitly so stated, any particular Rule is also binding on all persons visiting the University or otherwise using any facility or other resources of the University.

D. Procedure – **A University Procedure** sets forth the steps necessary to appropriately and uniformly perform a task to carry out the external business or internal activities of the University. Procedures shall not be inconsistent with any University Policy or University Rule. Procedures are promulgated by the President, a Vice President, or another officer to whom the President or a Vice President has delegated such authority for a specified area of University operations. Unless explicitly stated to the contrary in a particular Procedure, every Procedure is binding on all faculty, staff and students. If explicitly so stated, any particular Procedure is also binding on all persons visiting the University or otherwise using any facility or other resources of the University.

E. Guideline – A University Guideline provides practical information or other guidance that may be useful to persons in carrying out their individual responsibilities in accord with University Regulations. A Guideline is often issued as a reminder to the campus community of the relevancy and applicability of University Regulations and usually focuses on a specific aspect of such. Guidelines are not authoritative, but are meant to reflect best practices in administering the operations of the University or a particular subdivision of the University. A Guideline may be issued by any administrative unit, subject to the review and approval of the President, a Vice President or another officer to whom the President or a Vice President has delegated such authority for a specified area of University operations. Guidelines are typically presented in the form of memoranda addressed to persons for whom the guidance or practical information is most directly useful. Guidelines are distributed to such persons, may be distributed more widely as appropriate, and may be included in an appropriate category of a university regulations library.

F. Supplemental Rule or Procedure -- Supplemental Rules and Supplemental Procedures are those which apply only within a specified subdivision of the University. They may be referred to using various names, such as “departmental rule,” “college Policy,” “bylaw,” “charter,” or “statement of standards and Procedures,” identifying the particular administrative subdivisions for which they are applicable. They are supplemental in the sense of specifying additional details to govern the implementation of one or more University Regulations within the specified administrative subdivision. Supplemental Rules and Procedures may be more restrictive than their corresponding University Regulation, but may not be less restrictive. In any case, they shall not be inconsistent with the intent and Purpose underlying any University Regulation. Supplemental Rules and Procedures are promulgated by the appropriate persons within the adopting subdivision, in compliance with requirements set forth in the controlling University Regulations, always subject to the general authority of the President for all matters, and subject to the authority of the Academic Senate for academic matters. Supplemental Rules and Procedures are distributed within the adopting subdivision, may be distributed more widely as appropriate, and may be included in an appropriate supplemental category of a university regulations library.

Unless explicitly stated to the contrary in a particular Supplemental Rule or Procedure, it is binding on all faculty, staff and students within the relevant administrative subdivision for which it is promulgated. If explicitly so stated, any particular Supplemental Rule or Procedure may also be made binding on all persons visiting the University or otherwise using any facility or other resources of the University, within the limitations of the promulgating administrative subdivision.

G. Institutional Policy Committee – The University Institutional Policy Committee “IPC” is a committee appointed by the President, whose membership is broadly representative of the diverse areas of the University community, with responsibilities as may be determined by the President to assist in developing and reviewing University Regulations, while ensuring appropriate consideration of the interests of all areas of the University. The IPC shall ordinarily meet at least quarterly, and at such other times as needed.

III. Policy

A. University Regulations--promulgation

1. **University Policies shall be developed, approved and revised**, or retired with the approval of the Board of Trustees upon the recommendation of the President, **after either approval by or consultation with the Academic Senate in accord with paragraph [4] below**. In developing recommendations for the Trustees, the President may seek the assistance of the Institutional Policy Committee, other officers of the

University, and other appropriate persons.

2. **University Rules shall be developed**, approved and revised, or retired upon the approval of the President, a Vice President, or another officer to whom the President or a Vice President has delegated rule making authority for a specified area of University operations, **after either approval by or consultation with the Academic Senate**, or a designated officer, council or committee, **in accord with paragraph [4] below**. In considering any University Rule, the President or other delegated officer may seek the assistance of the Institutional Policy Committee, other officers of the University, and other appropriate persons.

3. University Procedures are promulgated by the President, a Vice President, or another officer to whom the President or a Vice President has delegated such authority for a specified area of University operations. In considering the approval of any University Procedure, the President or other delegated officer may seek the assistance of the Institutional Policy Committee, other officers of the University, and other appropriate persons. In accord with paragraph [4] below, the Academic Senate may make recommendations to the President regarding any Procedure that directly or significantly affects the carrying out of the University's academic missions.

4. **The University adheres to the principle that the perspectives of the faculty and students of the University should be appropriately considered in conjunction with promulgation of all University Regulations that directly or significantly affect the carrying out of the University's academic missions of teaching, research, and service. To that end, the Academic Senate, as the body representative of the faculty and students, shall have the following roles** with regard to approval, revision, or retirement of University Regulations and Supplemental Rules and Procedures.

a. **All University Policies that directly or significantly affect the carrying out of the University's academic missions** shall be presented for the **approval of the Academic Senate**, and as approved shall then be forwarded for the consideration of the Board of Trustees.

b. All University **Policies that do not directly or significantly affect the carrying out of the University's academic missions** shall be presented for the **information of the Academic Senate, and members of the Senate may make recommendations to the President or Board of Trustees with regard to any such Policy.**

c. Except as provided in paragraph [g] below, all **University Rules shall be presented to the Executive Committee** of the Academic Senate. If the Executive Committee determines that a Rule directly or significantly affects the University's academic missions, then **the Executive Committee may forward the matter to the Academic Senate, either for its approval, or for its information and possible recommendations, as the Executive Committee determines is appropriate.** If the Executive Committee does not make a determination of such direct or significant effect on academic missions, the matter shall not be forwarded to the Senate, and the Rule may be put into effect without further consultation with the Senate.

d. In extraordinary circumstances calling for urgent action, the President may determine that a Rule shall be put into effect without prior presentation to the Executive Committee, and/or without the prior approval by or consultation with the Senate that would otherwise be required. Any Rule put into effect in such

manner shall subsequently be presented to the Executive Committee at the next available opportunity, and if the Rule is one that would ordinarily require Senate prior approval, then it shall be forwarded to the Senate to be considered for ratification or disapproval.

e. **The determination of whether a University Policy or University Rule is to be presented to the Senate for its approval, or its information and possible recommendations shall be made by the Executive Committee of the Senate,** based on the extent to which the change directly or significantly affects the University's academic missions. All Policies stated within Parts [6 and 7] of University Policies, and all University Rules that are directly related to any such Policy, shall be presumed to have such direct and significant effects. Policies stated in other parts of the University Policies, and University Rules related to such Policies, shall be treated as having a direct or significant effect on academic missions only if so determined by a majority of the Executive Committee.

f. **University Procedures** need not be presented to the Academic Senate or the Executive Committee. Provided, however, that upon the request of any two members of the Senate, the Executive Committee shall review any University Procedure, and if a majority of the committee determines that the matter directly or significantly affects the University's academic missions, then the matter shall be presented to the Senate for its information and possible recommendations.

g. **If specifically so provided in a University Policy, the authority of the Academic Senate to review and approve University Rules regarding specified subject matter may be delegated** to a designated officer, council or committee, which may include the Graduate Council or Undergraduate Council. In such instances, the roles of the designated officer, council or committee, the Senate Executive Committee, and the Academic Senate in the promulgation of such Rules shall be as described in the pertinent University Policy (and/or an accompanying Rule), **provided, however, that such Rules shall always remain subject to the general authority of the Academic Senate over academic matters.**

B. Supplemental Rules and Procedures--promulgation

The methods of promulgation, including requirements for review and approval, of Supplemental Rules and Procedures applicable only within a specified administrative subdivision of the University may be set forth within various sections of the University Regulations. In some instances the promulgation of a Supplemental Rule or Procedure is explicitly required by the terms of a University Regulation. In other instances, University Regulations explicitly or implicitly authorize the optional promulgation of a Supplemental Rule or Procedure. In some instances, a University Regulation by its terms sets forth the steps for promulgation of a Supplemental Rule or Procedure, including requirements for review and approval, and in such instances those shall be the steps for developing, approving and revising, or retiring a Supplemental Rule or Procedure. In all instances Supplemental Rules and Procedures are subject to the general authority of the President (or other delegated officer) over all operations of the University, and **Supplemental Rules and Procedures directly or significantly affecting the University's academic missions are subject to the general authority of the Academic Senate over academic matters.**

<http://www.regulations.utah.edu/general/1-002.html>

Policy 1-002: Parliamentary Rules.

Revision 1

In the absence of special resolutions to the contrary, Robert's Rules of Order shall govern the faculty, Academic Senate, and school and college faculties in their deliberations.

[Excerpts of U-Policy 6-001 describing Senate, committees and councils involved in academic governance, and faculty generally.]
<http://www.regulations.utah.edu/academics/6-001.html>

Policy 6-001: Faculties, Committees and Councils

Revision 16

I. Purpose and Scope

(Reserved)

II. Definitions

(Reserved)

III. Policy

(Reserved)

SECTION 1. Composition and Authority of the University Faculty

The university faculty shall consist of the university president, vice presidents, deans, directors of libraries, professors (including distinguished presidential and university professors), associate professors, assistant professors, instructors, librarians, associate librarians, and assistant librarians. All shall have the full rights of faculty members except that persons holding adjunct, clinical, research, visiting, lecturer, or emeritus appointments shall not have the right to vote. At the discretion of the university president, academic personnel holding non-faculty appointments may be afforded faculty privileges other than the right to vote.

The university faculty shall have authority, subject to the approval of the Board of Trustees, to legislate on matters of educational policy, to enact such rules and regulations as it may deem desirable to promote or enforce such policies, and to decide upon curricula and new courses of study involving relations between schools and colleges or departments. The faculty has a right to a meaningful role in the governance of the university including primary responsibility for course content and materials, degree requirements and curriculum; it has a right to participate in decisions relating to the general academic operations of the university including budget decisions and administrative appointments. Substantial alterations in existing operations, i.e., establishment of a branch, extension center, college, professional school, division, institute, department or any new program in instruction, research, or public services, or any new degree, diploma, or certificate, shall not be made without prior approval of the State Board of Regents. Utah Code Ann. 53B-16-102(4) (1994). The legislative power will normally be exercised by the faculty through their representatives in the Academic Senate and the college or area councils, except that the voting members of the university faculty shall have the appellate power to review all actions affecting educational policy.

SECTION 2. Composition and Authority of the Academic Senate

There shall be an Academic Senate constituted as provided in the Faculty Regulations.

The Academic Senate shall have the power to act for the university faculty in all matters of educational policy, including requirements for admissions, degrees, diplomas, certificates, and curricular matters involving relations between schools and colleges or departments. Within this province the action of the senate shall be effective without approval, subject to the appellate power of the university faculty. Matters of educational policy coming before the Senate for action should, as a matter of course, be evaluated as to any additional

expenses involved (e.g., library support costs for new programs) and proposed sources of revenue.

The Academic Senate shall also have the following powers:

1. **to receive and consider reports** from all faculty committees, councils, departments, divisions, administrative officers, schools, colleges, faculties and libraries and to take appropriate action thereon within the scope of his authority;
2. to consider matters of professional interest and faculty welfare and make recommendations to the university president and other administrative officers concerned;
3. **to propose to the Board of Trustees amendments or additions to the University Regulations for the government of the university.**

In accord with **Policy 6-302** the university **president shall inform the Academic Senate of proposed appointments and promotions of faculty members** and shall recommend these appointments and promotions to the Board of Trustees at its next meeting unless there is objection to any of these recommendations by a majority of the Senate quorum. Objections shall be referred to the Executive Committee of the senate for investigation and the report of the Executive Committee shall be transmitted by the university president to the Board of Trustees.

The university president **shall also inform the Academic Senate of all resignations**. Any faculty member shall have the right to request the review of any resignation. Each request for such a review must be referred to the Academic Freedom and Faculty Rights Committee for proceedings as described in **Policy 6-302, Sec.6**.

The university president may refer to the Senate any matter upon which the university president feels it would be useful to have the advice of that body. When such matters pertain to academic freedom or faculty rights, the Senate shall refer them to the Academic Freedom and Faculty Rights Committee for study and report back to the Senate and university president. The university president may also appoint an ad hoc committee of faculty members and others when appropriate to advise the university president when a question arises concerning the competence or conduct of a staff or faculty member in a given department.

SECTION 3. Composition and Authority of University Committees

The Academic Senate shall establish an **Executive Committee** to include the following voting members: ten faculty members elected annually from the Senate's elected membership to serve one year, the ASUU president, a graduate and an undergraduate representative from the student Academic Senators, one of whom shall be the Student Senate Chair and the other of whom shall be selected by the Student Senate; and the President of the Academic Senate. The President of the Academic Senate shall chair the committee but shall vote only when necessary to prevent an equal division of the committee. The ex officio, non-voting members will include the university president, the vice president for academic affairs and the vice president for health sciences or their designees, the president-elect of the Academic Senate, and the past-president of the Academic Senate.

The Executive Committee shall screen and review matters for the Academic Senate and perform other functions as assigned to it by Regulations or by action of the Academic Senate. (See **Policy 6-300**, et. seq., Faculty Regulations.)

The Executive Committee is empowered to receive confidential committee reports indicating a serious concern about the systemic operation of a program, department or college, and to

request further supporting information from any committee so empowered to report. If the Executive Committee concludes that there is a serious concern about the systemic operation of a program, department or college, it shall bring this to the attention of the cognizant vice president and provide supporting information. The cognizant vice president shall acknowledge receiving the report and in a timely fashion inform the Executive Committee and the originating committee what steps are being taken to investigate or resolve the concerns and, subsequently, inform both committees of the outcome of the investigation and of any resolution achieved.

The Academic Senate shall elect annually members of the following committees from faculty members other than ex officio members of the Senate and the Executive Committee of the Senate: Academic Freedom and Faculty Rights Committee, Academic Policy Advisory Committee, Annuities and Salaries Committee, Faculty Budget and Planning Advisory Committee, Consolidated Hearing Committee, Library Policy Advisory Committee, Personnel and Elections Committee, University RPT Standards Committee, University Diversity Committee, and such other committees determined by the Senate to be needed to serve the interests of the university.

Vacancies in faculty positions on elected committees shall be filled either by the runner-up from the original elections or by special election by the Senate. (See **Policy 6-003**, Faculty Regulations.)

The university president shall appoint, before the opening of the academic year, such standing committees as the work of the university may require. Special committees may be appointed at any time as the university president may deem wise, which shall report to the faculty, or to the appropriate council, or to the university president the progress of their work and their recommendations.

The University President, Administration or Academic Senate will notify the Personnel and Elections Committee about the creation of any university-wide standing committees. Upon the creation of a university-wide standing committee, the Personnel and Elections Committee will review the committee charter and membership requirements, and shall make any requested nominations.

Committees of the faculty and of the Academic Senate shall act only within the limits set for them.

SECTION 4. Composition and Authority of School and College Faculties

A school or college faculty shall consist of the dean of the school or college and such members of the staffs of departments pursuing research or offering a major, a teaching major, or prescribed work in the school or college as are eligible to membership in the university faculty. If a department serves more than one school or college, the department chairperson may designate a staff member to represent the department at meetings of the faculties of schools or colleges other than that to which the department is assigned for administrative purposes without abrogating the right of other members of the department to participate and vote in the meetings of such faculties. The president shall be an ex officio member of all school and college faculties.

In accord with **Policy 6-003** college or area councils shall be created by the colleges of the university with compositions defined by the colleges involved, subject to the approval of the Executive Committee. College or area councils may include councils serving more than one college where appropriate. Such councils shall have decision-making authority, as stated in **Faculty Regulations**, subject to review by the Executive Committee of the Academic Senate

and subject to the power of the Academic Senate to legislate on matters of general university concern.

SECTION 5. Composition and Authority of Graduate Council

The Graduate Council supervises graduate study at the University of Utah. It is responsible for the review and evaluation of all existing departments and programs that award graduate and undergraduate degrees and certificates. The Undergraduate Council participates with the Graduate Council in the review of undergraduate programs based in departments awarding graduate degrees. The Graduate Council also reviews and evaluates proposals for new graduate degrees and certificates; academic administrative units (e.g., departments, divisions); centers, institutes and bureaus and proposals for name changes or major revisions of the preceding. It assumes other responsibilities as established by University or Board of Regents Policy. The administration of professional degrees may be delegated by the Graduate Council to colleges, schools, or departments.

The Graduate Council members shall be appointed by the University president on recommendation of the dean of the Graduate School. Nominations of faculty members will be made by College Councils for communication by the college dean to the dean of the Graduate School. Nominations of student members will be made by ASUU for communication by the ASUU president to the dean of the Graduate School. Faculty members on the Council shall represent all schools and colleges offering degrees under the jurisdiction of the Graduate Council. Student membership shall be limited to three members, two graduate and one undergraduate, broadly representative of the schools and colleges of the university.

The Graduate Council shall establish policies and Procedures for the Graduate School, such policies and Procedures being subject to review by the Academic Senate as specified in **Faculty Regulations**.

SECTION 6. Undergraduate Council

The Undergraduate Council consists of one elected faculty representative from each college offering undergraduate degrees and making a significant contribution to undergraduate education across the campus (Architecture, Business, Education, Engineering, Fine Arts, Health, Humanities, Mines& Earth Science, Nursing, Pharmacy, Science, and Social and Behavioral Science), a second elected representative from three colleges (Humanities, Science, and Social and Behavioral Science), one elected representative from the University Libraries, and an appointed representative of interdisciplinary programs and three undergraduate students each representing a different college and recommended by ASUU, two of which shall come from the Student Senate. Elected members of the Undergraduate Council shall serve for three-year terms. Ex-officio non-voting members shall come from: Enrollment Management (Student Affairs), the Academic Outreach and Continuing Education, Academic Advising, Honors, the Graduate School, University Professor(s), and administrators in Undergraduate Studies; other ex officio non-voting members may be added as deemed necessary by the Associate Academic Vice President for Undergraduate Studies. The Associate Academic Vice President for Undergraduate Studies or a person so designated by that office shall chair the Council. The Council shall report directly to the office of the Vice President for Academic Affairs through the Associate Academic Vice President for Academic Affairs, and the academic policies and Procedures recommended by the Council shall be subject to approval through the regular governance process.

The Undergraduate Council is charged with the responsibility: (1) to coordinate and encourage the development of undergraduate studies across the University and (2) to oversee all university-wide undergraduate requirements. The Associate Academic Vice President for Undergraduate Studies and Council shall have the responsibility of establishing and

maintaining a program of general/liberal education and of other general requirements in cooperation with the academic departments and colleges. It shall be the responsibility of the Associate Academic Vice President for Undergraduate Studies to insure quality in the instruction and in the content of the courses meeting general/liberal education and other requirements through periodic review of teachers and of curriculum. All students will undertake work in all of the four areas of liberal education -- physical and life science, social science, humanities, and fine arts. To facilitate proposals from the areas, the Associate Academic Vice President for Undergraduate Studies will appoint representative area committees. Committees establishing policy and reviewing course proposals for other general undergraduate requirements (e.g., Diversity, Writing) will report to the Undergraduate Council for approval. The Council is responsible for reviewing and evaluating proposals for new undergraduate programs as well as proposed deletions or significant revisions of undergraduate programs and degrees by colleges and departments. It assumes other responsibilities as established by University or Board of Regents policy. In addition, the Council is responsible for reviewing and evaluating all undergraduate degrees and programs that are not located in departments with graduate degrees. The Undergraduate Council also participates with the Graduate Council in the review and evaluation of undergraduate programs based in departments awarding graduate degrees Section 5 of this policy and **Policy 6-200, Section 1**).

SECTION 7. University of Utah Libraries - Policy Statement for Their Government and Administration

[contents not included here. See full contents at <http://www.regulations.utah.edu/academics/6-001.html>]

Policy 6-002: The Academic Senate

Revision 26

I. Purpose and Scope

(Reserved)

II. Definitions

(Reserved)

III. Policy

(Reserved)

SECTION 1. General Provisions

A. Authority of the Senate

The Academic Senate, hereinafter referred to as the Senate, subject to the authority of the State Board of Regents and Board of Trustees, shall have power to act for the faculty in the areas specified by University Regulations, **Policy 6-001**, and other applicable provisions of University Regulations and Faculty Regulations. The Senate shall have power to make rules governing its own organization and Procedure.

SECTION 2. Membership

The Senate shall be constituted as follows:

A. Ex Officio Members

The following administrative officers shall be ex officio members of the Senate: (1) The university president, and the vice president for academic affairs and the vice president for health sciences. These ex officio members shall have full rights of discussion and making motions but not the right to vote. (2) Each dean, or an associate or assistant dean designated as a dean's representative. Each dean or a dean's designee shall have full rights of discussion and making motions on matters directly associated with the dean's college or administrative responsibility, but, except for the two voting deans [see B (2) infra] not the right to vote.

B. Elected Members

1. Faculty

a. The voting membership of the Senate shall include regular faculty members [see Faculty Regulations, **Policy 6-300**] elected from the following areas of representation: the individual colleges and the university libraries considered as a unit. All regular members of the faculty, without regard for rank or for time in rank, shall be eligible for election to membership in the Senate, except ex officio members of the Senate and members of the faculty serving in administrative positions higher than department chair. All regular members of the faculty, without regard for rank or for time in rank, shall be eligible to vote for candidates for Senate membership only in the areas of representation where they hold primary appointments. Disputes respecting eligibility for election or eligibility to vote shall be decided by the Personnel and Elections Committee, subject to appeal to the Senate and to the faculty.

b. Faculty membership in the Academic Senate shall be apportioned by allocating not more than 79 representatives among the colleges and university libraries* on a prorated basis of 50 percent according to the number of faculty members in each area and 50 percent according to student credit hours, including evening residence hours, taught in each area during the preceding academic year. The base allocation of not more than 79 faculty members shall be adjusted to ensure that each area of representation will have a minimum of two representatives. The Personnel and Elections Committee shall reapportion the Senate according to the foregoing formula every two years.

*Representation from the university libraries will be determined by taking the average number of student credit hours per faculty member, of all other colleges, and multiplying that value by the number of library faculty.

c. Areas of representation which, under the foregoing formula, would contribute more than 20 percent of the voting faculty membership of the Senate may, with Senate approval, be subdivided by the Personnel and Elections Committee along department or administrative lines, into two or more separate representation areas, none of which shall contribute more than 20 percent of the voting faculty membership of the Senate. The membership of such subdivided representation areas shall be apportioned by the Personnel and Elections Committee among the areas as nearly as possible in accordance with the above prorating formula.

d. Faculty representatives shall be elected to serve regular three-year terms, or as provided in section 5A (3), *infra*, to complete three-year terms of representatives who do not complete their regular terms. An annual orientation shall be provided for newly elected Senators. Beyond service in the Senate, faculty members of the Senate should expect that they may be called upon to serve on standing and *ad hoc* committees. Senate faculty members shall be ineligible for nomination for another term until at least one year has elapsed following the expiration of their terms of office or date of resignation therefrom. New terms shall begin on May 15.

2. Deans

The deans shall elect two deans as voting representatives in the Academic Senate. The voting deans shall be elected to serve regular two-year terms, or as provided in Section 5A (3), *infra*, to complete two-year terms of representatives who do not complete their regular terms. The term of one of the deans' voting representatives will begin on May 15 in even numbered years; the term of the other deans' voting representative will begin on May 15 in odd numbered years.

3. Students

a. Each college shall elect one representative from its members to the ASUU Student Senate. (Academic Advising and Honors students shall be considered one college for purposes of equal representation.) The elected members of the ASUU Student Senate shall be entitled to attend Academic Senate meetings with full rights of discussion and vote. If a student member resigns his or her position on the ASUU Student Senate, the vacancy will be filled by the next runner-up in the affected college or otherwise according to Procedures described in the ASUU Student Handbook.

b. The ASUU president or the ASUU vice president if designated by the ASUU president and an additional student appointed by the ASUU President shall also be members of the Academic Senate, with full rights of discussion and vote.

c. Student members of the Senate shall serve one-year terms dating from their installation as ASUU officers.

C. Alternates

Each elected member of the Senate is expected to attend its meetings regularly. When absence of a faculty or student member is unavoidable, the member shall designate in writing to the secretary of the Senate an alternative to serve with full power during the elected member's absence. The alternate so designated shall be one of the available unsuccessful candidates for that Senate seat in the previous election. In the absence of available unsuccessful candidates, any other person eligible for election to that Senate seat may be designated as an alternate.

SECTION 3. Officers

A. Presiding Officer

The President of the Senate will be elected annually by the Senate from the faculty at large excluding those who at the time of nomination to the office of Senate President are either ineligible for Senate membership or serve as chair of an academic department. The Personnel and Elections Committee will provide a slate of candidates for election. The person elected for this responsibility will serve a two-year term, the first year as President-elect, the second as President. If the President-elect is at the time of his or her selection, an elected member of the Senate, the President-elect shall be considered an ex officio member of the Senate Executive Committee with full rights of discussion and making motions but without voting privileges. If the President-elect is not, at the time of his or her selection, an elected member of the Senate, the President-elect will be considered an ex officio member of both the Senate and of the Senate Executive Committee, with full rights of discussion and making motions but without voting privileges. If the Senate President, at the time he or she takes office, is an elected member of the Senate, the President shall not, for apportionment purposes, be considered one of the faculty members representing the colleges and university libraries; and the college or area which he or she represents shall choose another member with full voting privileges to replace the President during his or her time in office. If the Senate President, at the time he or she takes office, is not an elected member of the Senate, he or she shall be considered a full member of the Senate, with voting privileges as explained in the paragraph below and in Faculty Regulations, Section 4. A .1. e., but the President shall not, for apportionment purposes, be considered one of the faculty members representing the colleges and university libraries.

Upon his or her own initiative, the President may, or upon the vote of at least two-thirds of the assembled voting members of the Senate, the President shall, with respect to a specific agenda item, relinquish the gavel to the President-elect with respect to a specific agenda item. In the absence of the President or President-elect, the Senate shall elect a president pro tempore. The President or president pro tempore shall be entitled to vote on matters before the Senate only where, after vote of the Senate, the President's vote will prevent an equal division of the Senate. The Senate President shall have a manual on Senate organization, operations, and basic Procedures prepared and distributed to all incoming Senate members.

B. Secretary

The secretary of the faculty shall be ex officio the secretary of the Senate, but the presiding officer may appoint an assistant secretary at any time.

C. Parliamentarian

Subject to the approval of the Senate, the presiding officer shall appoint a parliamentarian of the Senate to ensure proper observance of established parliamentary Procedures.

D. Faculty Representative to the Board of Trustees

The President of the Senate will serve as a faculty representative to the Board of Trustees.

SECTION 4. Committees

A. Standing Committees

The President of the Senate, or the President's designee, shall be an ex officio, nonvoting member of all Senate Standing Committees. The Senate shall establish the following standing committees:

1. Executive Committee

- a. The President of the Senate shall chair the Executive Committee. The Executive Committee consists of the following voting members of the Senate: ten persons representing its faculty and voting dean members; three student members; the President of the Senate when the vote of the President, acting in the capacity of Chair of the Executive Committee will prevent an equal division of the committee.
- b. The Executive Committee also consists of the following ex officio, non-voting members: the university president, the vice president for academic affairs, the vice president for health sciences, or their designees; the president-elect; and the past-president of the Senate. These members have full rights of discussion and making motions.
- c. At least eight of the ten individuals elected by and from the faculty and voting-dean membership of the Senate must be full-time faculty members, and not more than two of the ten may be from the same area of representation.
- d. The student members of the Executive Committee shall consist of the ASUU President, the student chairperson of the ASUU Student Senate, and another student Academic Senator selected by the ASUU Senate. Either the Student Senate Chair or the other student senator must be a graduate student. The student members shall serve one-year terms on the Executive Committee dating from their installation as ASUU officers.
- e. No elected faculty member of the Executive Committee shall be elected or appointed to any other standing committee of the university during that individual's term of service on the Executive Committee.
- f. The Executive Committee shall meet within two weeks after commencing its term and elect a secretary from its elected membership.
- g. The President of the Senate or the President-elect shall chair the meetings of the Executive Committee, or in their absence the Executive Committee shall elect a president pro tempore. The President, or in the absence of the President, the President-elect may call meetings of the Executive Committee at any time and must call a meeting of the committee upon written petition of any three members of the

committee within ten days of the date of the petition, or at such earlier time as is otherwise specified in the petition.

h. A quorum to conduct business shall consist of a majority of the ten elected faculty members.

i. It shall be the duty of the Executive Committee to:

i. Prepare the Senate agenda, assigning non-controversial items to the consent calendar, and assigning other items to the information calendar or debate calendar, as appropriate; set time limits for debate; and make such procedural stipulations of other sorts (nonbinding) as may be necessary.

ii. Report to the Senate at each regular meeting, noting matters which it has and has not placed on the agenda and the reasons and voting on each question of calendaring.

iii. Study the actions of committees and college or area councils (preferably with a representative of the committee or council involved present in a given instance), and in appropriate cases return any report by such a body to that body for re-examination, where the Executive Committee judges that the report is unclear, is inadequately developed, or suffers from other significant problems. Such return by the Executive Committee shall be nonbinding on the committee or council involved.

iv. At its discretion, identify questions in connection with a committee or council report, or item from the administration, which it thinks the Senate should consider and which it accordingly conveys to the Senate members in advance of the meeting involved.

v. Refer to an appropriate committee for its consideration items which may be urgent, or in extremely urgent cases, make a recommendation itself directly to the Senate.

vi. Recommend to the Senate the creation of an ad hoc committee to study a specific important issue, where the topic involved does not fall under the jurisdiction of an existing ad hoc or standing committee, with or without recommendations on the design and specific wording of the charge to such a committee.

vii. Act in behalf of the Senate on urgent matters which cannot wait for action by the Senate in regular sessions, and act on behalf of the Senate during vacation periods and the summer semester, providing that a full report of such action is made to the Senate at its next regular meeting. Any substantive decisions shall be subject to reconsideration when they are presented to the Senate at this time.

viii. Initiate studies and legislation for Senate action on matters not assigned to other university committees, nor assignable to them.

xi. Take such other action or assume such other duties as may be assigned or referred to the Executive Committee, upon resolution of the Senate or upon request of the university administration with the consent of the Executive Committee and the Senate.

2. Academic Freedom and Faculty Rights Committee
 - a. The **Academic Freedom and Faculty Rights Committee** consists of twelve members elected by the Senate from the university faculty members other than ex officio members of the Senate.
 - b. In addition to its role, prescribed in Section 11 of this policy, the committee will oversee the application and updating of the **Policy 6-316**, Code of Faculty Responsibility and will review for Senate consideration all legislative matters concerning faculty rights and responsibilities.
3. Academic Policy Advisory Committee
 - a. The Academic Policy Advisory Committee consists of eight faculty members and three students. Faculty members shall be elected by the Senate for two-year terms, with four of these terms beginning each June 16. Student members shall be selected for one-year terms in accordance with Procedures established by the ASUU, with terms beginning each June 16.
 - b. The Academic Policy Advisory committee is authorized to consider any matter relating to academic policy which may be suggested by members of the committee, members of the faculty, administrative officers, or students. Upon its selection of a subject for study, the committee shall notify all interested agencies within the university, including standing committees, and invite their cooperation. At least once each academic year, the committee shall submit a written report of its studies and recommendations, if any, to the Senate.
4. Annuities and Salaries Committee
 - a. The Annuities and Salaries Committee consists of six members of the regular faculty, elected by the Academic Senate to serve for three-year terms. The terms of two committee members shall end each year on June 15, and the terms of newly elected committee members shall begin on June 16. Members of the committee shall represent the university faculty as a whole and not any particular area or college. The Director of Human Resources shall be an ex officio nonvoting member of the committee.
 - b. The Annuities and Salaries Committee shall function in a research and advisory capacity and shall report to the Senate and from time to time make recommendations to the Senate on matters relating to sabbatical leaves, salaries, salary schedules, cost of living, faculty retirement plans, annuities, health and life insurance, and other benefits. The committee shall not, however, exercise budgetary or administrative powers in relation to these subjects. The committee shall advise the administration on matters pertaining to annuities and salaries and report the advice they gave to the next regular meeting of the Senate.
5. Consolidated Hearing Committee

See Section 10 of this policy for full description of this committee.
6. Faculty Budget and Planning Advisory Committee
 - a. The Faculty Budget and Planning Advisory Committee consists of eight members of the regular faculty, elected by the Academic Senate to serve four-year terms. The terms of two committee members shall end each year on June 15, and the terms of newly elected members shall begin on June 16. Members of the committee shall

represent the university faculty as a whole and not any particular area or college. Not more than two committee members may be from the same area or college.

b. Despite the general duties assigned to the Personnel and Elections Committee, all nominations for the Faculty Budget and Planning Advisory Committee, except nominations made from the floor during a formally convened meeting of the Academic Senate, shall originate from the Executive Committee of the Academic Senate.

c. The Faculty Budget and Planning Advisory Committee may establish its own rules which shall provide that individual faculty members are entitled to submit information to the committee, that no committee member is permitted to participate in discussions or to vote on matters directly affecting the member's own college, and that committee members will hold in strict confidence all budget information which the committee receives on a confidential basis from the university president or other administrative officers of the university.

d. The Faculty Budget and Planning Advisory Committee should respond to directions from the Academic Senate, while retaining the freedom to set its own agenda. The committee's principal role is one of consultation with the university administration, and of presenting and arguing for the views and interests of the whole faculty in the administration's long-range academic and budgetary planning. The committee should strive to persuade the administration to make critical budgetary and academic policy decisions in as open and public a way as possible.

e. The Faculty Budget and Planning Advisory Committee shall perform the functions assigned to it by applicable provisions of **Policy 6-313**, University Regulations, Section 5.

7. Library Policy Advisory Committee

a. The Library Policy Advisory Committee consists of one faculty representative from each College and one from the University Libraries elected by the Academic Senate for three-year terms, and six students (including at least one graduate student) selected by ASUU. The directors of the Marriott Library, the Eccles Health Sciences Library, and the S.J. Quinney Law Library are ex officio, non-voting members of the committee.

b. The Library Policy Advisory Committee confers with and advises directors of the Marriott Library, the Eccles Health Sciences Library, and the S.J. Quinney Law Library concerning library policies and practices. It provides liaison between the libraries and the faculty and student body. The Library Policy Advisory Committee reports to the Academic Senate and the cognizant vice presidents.

8. Personnel and Elections Committee

a. The Personnel and Elections Committee consists of eighteen persons elected by the Senate from its members, and shall include one faculty representative from each Senate area of representation and two students. Faculty shall be elected for three-year terms. A member of the Personnel and Elections Committee must be a senator at the time of election, but can remain on the Personnel and Elections Committee for three years even though his or her term of service on the Senate may expire during that three-year period of time. The President of the Senate, may serve, at the election of the committee, as its chair.

b. This committee shall make nominations for elected standing committees of the Senate and for all other Senate committees, and if the Senate is requested to make nominations or recommendations for a committee to be appointed by the university administration, the Personnel and Elections Committee shall prepare the list of nominees. It will review university standing committees on a 5-year rotating schedule. This review will use self-study Procedures, and include an assessment of perceived appropriateness of committee membership, charter, functions, meetings and others. The committee shall review any new university-wide standing committee charters or changes to university standing committee charters. In alternate years, it will apportion Senate membership according to Section 2.B.1.b. of this policy. The committee will also review the necessity of retaining existing university committees, recommending to the Senate any possible excisions. It shall pursue an affirmative action program to secure significant representation of women, minorities, and nontenured ranks in positions of responsibility within the university, and to seek a distribution of committee nominations among colleges and departments in order to obtain a range of backgrounds among the members of each committee.

9. University Diversity Committee

a. Membership. The University Diversity Committee will consist of 10 members of the regular faculty, 3 staff members, and 3 student members. The faculty members will be elected by the Senate for three year terms. The staff members will be nominated by UUSAC and approved by the Senate Executive Committee for three year terms. The student members shall be selected for one year terms in accordance with Procedures established by the ASUU. Terms will begin each August 1. Non-voting ex-officio members shall include: Associate VP for Diversity, Associate VP for Diversity for Health Sciences, UUSAC Chair, ASUU President, Academic Senate Past-president, Director of Equal Opportunity and Affirmative Action, and two representatives from the community. The Chair of the University Diversity Committee will be invited to serve by the Senate President, with installation (vote) by the committee each year.

b. Charge. This committee shall provide leadership and expertise to the University of Utah community in promoting diversity in their various roles and activities; serves as a forum for the exchange of ideas within the University. The University Diversity Committee should respond to directions from the Academic Senate, while retaining the freedom to set its own agenda. The committee's principal role is to identify issues, projects, and proposals that would further a positive climate of diversity on the University of Utah campus, would enhance relations with diverse elements in the community, and would promote appreciation of diversity in the wider community. The committee's role includes forwarding information and recommendations to the Academic Senate. The committee will submit an annual report to the Academic Senate of its activities.

c. Budget. An annual budget will be offered by the President and administered by the Office of the Associate Vice President for Diversity.

10. University RPT Standards Committee

a. Membership. The University Retention Promotion and Tenure Standards Committee voting membership shall consist of sixteen tenured faculty members, with one faculty representative from each Senate area of representation elected for three-year terms by the Academic Senate. The Associate Vice President for Faculty, or designee, shall be a non-voting ex officio member. Voting members shall be elected as follows:

- i. Nominations will be proposed in advance by the Personnel and Elections Committee, and additional nominations of eligible faculty members who have agreed to serve may be made from the floor immediately prior to the election. Voting will be by preferential ballot.
 - ii. Members of the University RPT Standards Committee will not be eligible for nomination for another term until an interval of one year has passed following the completion of their term on the committee.
 - iii. In each successive year, the Personnel and Elections Committee shall include among its nominations for the University RPT Committee two or more candidates whose tenured faculty appointments are in colleges whose current member is rotating off the committee.
- b. Vacancies. If vacancies occur in the University RPT Standards Committee, they shall be filled either by the runner-up from the original elections or, if that is not possible, by special elections conducted in the Academic Senate by the Personnel and Elections Committee.
- c. Duties. See **University Policy 6-305** (Duties of University Retention, Promotion and Tenure Standards Committee).

B. Other Committees

1. University-wide Standing Committees

Official standing committee charters will be kept in the Academic Senate Office. Ex officio members of University standing committees will be considered non-voting with the following exceptions as per federal guidelines: 1) Radiation Safety Committee and 2) Radioactive Drug Research Committee.

2. Special Committees

The Senate shall have the power to provide for the appointment or election of such other committees as in its discretion may be needed to serve the best interests of the university. Each such committee shall elect its own chair and secretary from its elected or appointed members.

3. Ad Hoc Committee to Review Structure of Senate

The Senate may by secret ballot elect an ad hoc committee to review the structure and functions of the Senate.

C. Procedures and Privileges

1. Notice of Committee Membership

The secretary of the Senate shall notify faculty members who are elected by the Senate to membership on any standing or special committee. These members shall be notified immediately following such election or appointment to their new positions.

2. Election of Committee Officers

The Academic Senate President appoints the Senate-elected committee chairs with ratification by the Senate Executive Committee, and then subject to confirmation of the Senate-elected committee membership.

3. Privileges of the Senate Floor

Committee members not having membership on the Senate shall have the privilege of discussion on matters being reported to the Senate by the committee of which they are members.

4. Access to Records

All Senate committees shall have full access to the minutes of the Board of Trustees and to the books of the secretary.

5. Committee Reports

No committee report will be cleared by the Executive Committee for debate by the Senate which does not contain a specific proposal statement.

6. Terms of Office

The terms of office for faculty elected to standing committees of the Senate, and for members of all other Senate committees, unless otherwise provided in applicable regulations or by action of the Senate, shall begin on June 16. Unless otherwise specified, the regular term of office of a member of a Senate committee shall be three years.

SECTION 5. Elections

A. Election of Faculty Members to the Senate

1. General Provisions

- a. The Personnel and Elections Committee shall supervise elections to the Senate by secret ballot during the month of April.
- b. No person shall be nominated or elected to represent more than one area. No person shall be elected to the Senate without receiving a majority of all votes cast by the eligible voters in the college or area which that person is to represent in the Senate.

2. Election Procedures

- a. Not later than March 1st of each year, the Personnel and Elections Committee will send an announcement to each college or area represented in the Senate that elections are to be held in each college or area for new representatives to the Senate. Only regular faculty members are eligible to vote in Senate elections and are eligible for election to the Senate from that college or area.
- b. Subject to approval by the Personnel and Elections Committee, each college or area represented in the Senate shall develop its own plan for obtaining nominations and for conducting the election of its allotted representatives to the Academic Senate.
- c. Not later than April 15 of each year in which it is authorized to elect one or more representatives to the Senate, each college or area shall forward to the

Personnel and Elections Committee a report of the person or persons elected to represent that college or area. Each college or area shall also forward to the Personnel and Elections Committee all ballots cast in the process of nominating candidates and electing its representative(s) to the Academic Senate.

- d. After verifying the election results, the Personnel and Elections Committee shall announce the roster of newly elected Senators at the May meeting of the Academic Senate.

3. Vacancies

In the event the Senate position of an elected member is vacated before expiration of the term for which he or she was elected, the Personnel and Elections Committee shall appoint the runner-up from that member's original election to the Senate to serve the remainder of that member's term or until the next general election, when the vacancy shall be filled by election for the unexpired term.

B. Elections Within the Senate

1. Nominations

- a. The Personnel and Elections Committee shall prepare nomination slates for all elections conducted within the Senate. For each elected standing committee of the Senate or other Senate-elected committee, the Personnel and Elections Committee shall prepare a slate containing a number of nominees equal to or greater than one and one-half times the number of positions to be filled. After presenting the slate to the Senate, the Chair of the Personnel and Elections Committee shall open the slate to additional nominations from the floor.

- b. If the Senate is requested to make nominations or recommendations for a committee to be appointed by the university administration, the Personnel and Elections Committee shall prepare the list of nominees.

2. Balloting Procedures

- a. Elections within the Senate, including those for Senate committees, shall be conducted by the preferential balloting Procedure, wherein the nominees are preferentially ranked on each ballot. Except as specified below, one balloting round per election shall be conducted, and only ballots containing rankings for a number of preferred nominees equal to or less than the number of positions to be filled shall be valid.

- b. The nominees shall receive a number of points equal to the converse of their rank on a ballot. That is, the nominee who is given first preference on a ballot shall receive a number of points equal to the number of positions to be filled; the nominee who is given last preference on a ballot shall receive one point. Those nominees receiving the highest numbers of total points shall be elected.

- c. In the event that two or more nominees receive the same number of points and this number of points would ordinarily constitute election, but an insufficient number of positions remains to be filled, a runoff balloting round shall be held. Only the names of those nominees receiving the same number of points for the contested position(s) in the first balloting round shall be included on any runoff ballot. Preferential balloting Procedures shall be followed in the runoff balloting round.

3. Vacancies

- a. Vacancies, caused by the resignation, continued absence, or incapacitating illness of Senate-elected committee members shall be filled by the runner-ups from the original election or, if that is not possible, by special election by the Senate. Nominations for such special elections shall be made by the Personnel and Elections Committee, which shall follow Procedures specified herein. If an election is held to fill vacancies, it shall normally be conducted immediately following the presentation of a slate of nominees to the Senate by the Chair of the Personnel and Elections Committee, who shall open the slate to additional nominations from the floor. Elections shall be conducted by the preferential balloting Procedure.
- b. Individuals filling vacancies shall assume office immediately after their designation, and shall serve during the incumbent's absence or for the remainder of the incumbent's term.
- c. Immediately following their designation, the secretary of the Senate shall notify the individuals designated to fill the vacancies.

SECTION 6. Meetings

A. Regular Meetings

1. Unless otherwise provided by the Senate, its regular meetings shall be held on the first Monday of each month at 3:00 p.m. Discussion of proposals on the Debate Calendar will begin no later than 3:45.
2. A majority of the elected members of the Senate shall constitute a quorum for the transaction of business. All actions or recommendations of the Senate shall be by majority vote of the elected members and alternates present unless otherwise required herein. Voting shall be by secret ballot if requested by three elected members of the Senate.
3. When there are no debate items scheduled for the agenda of a regular meeting of the Senate, the Executive Committee of the Senate is authorized to cancel that meeting and to carry forward all other items on the agenda, except resignations and appointments, to the next regular meeting of the Senate.
4. Senate time should be scheduled on a regular basis for discussions with the university president and/or other officers of the university on such subjects as budget, new programs, administrative problems, etc. During these discussions it should be the prerogative of any member of the Senate to ask of the administration any question relevant to the university.

B. Special Meetings

1. Special meetings of the Senate shall be held at the call of the university president, the President of the Senate, or any five members of the Senate who submit a written request for a special meeting to the President of the Senate.
2. Rules governing the conduct of regular Senate meetings shall be in force at such special meetings.
3. Upon motion of a member of the Senate and a majority vote of the elected members and alternates present or by written petition of ten elected members of the Senate submitted to the President of the Senate a special meeting of the Senate may be called at which ex officio members shall be present only by invitation. Deliberations of this body shall be governed by pertinent regulations of the Senate. Decisions of such a special Senate meeting shall be referred back to the regular Senate meeting for final disposition.

SECTION 7. Order of Business

A. Order of Business

Except as otherwise provided by the Senate, its order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Requests for New Business
4. Consent Calendar
5. Executive Committee Report
6. Report from Administration
7. Notices of Intent
8. Debate Calendar
9. Information Calendar
10. New Business
11. Adjournment

B. New Business

New business may be proposed at the beginning of a regular Senate meeting, but should be submitted in writing to the President of the Senate by the Friday prior to a regular Senate meeting. The business will then normally be considered at the end of the meeting, but a motion may be made to consider it at the beginning of the meeting, prior to the regularly scheduled business on the agenda.

SECTION 8. Minutes and Agenda

A. Minutes

Faculty minutes and agenda of the Senate shall ordinarily be kept by the secretary of the faculty for use of the university president, the members of the faculty, and the Board of Trustees. They shall be made public upon authorization of either the university president or the President of the Senate.

B. Agenda and Minutes

1. Each member of the Senate shall receive a copy of the full agenda and a copy of the full minutes of Senate business. Additional copies of the full agenda and the full minutes shall be available to interested faculty members at the office of the Senate.
2. Each department and each faculty member shall receive a summary of the agenda in advance of each meeting. The summary of the agenda should regularly contain an invitation to all members of the faculty to review or obtain a copy of the full agenda and full minutes at the Senate office and to attend Senate meetings if they so desire.
3. Summaries of actions taken by the Senate shall be sent to each member of the university faculty within one week of each session of the Senate.

SECTION 9. Faculty Initiative and Review

A. Initiative

Any ten faculty members may petition and secure consideration by the Senate of any appropriate matter including proposed amendments to the **Faculty Regulations**. An amendment to the **Faculty Regulations** or any other matter to be initiated shall be presented in writing to the President of the Senate, who shall then give notice of the proposal to the Senate.

B. Review

All actions of the Senate shall be subject to review by the university faculty upon written requests for an appeal made to the President of the Senate by any ten members of the faculty. This appeal shall be made within ten days of the mailing date of the summaries of action of the Senate. The action shall be reviewed at the next regular meeting of the faculty or at a special meeting called for that purpose after all faculty members have been given two weeks' notice of the meeting.

SECTION 10. Consolidated Hearing Committee for Faculty Disputes (CHC)

A. Charge

1. The Consolidated Hearing Committee ("CHC") is the hearing body for grievances and complaints brought against faculty members (as defined in (**Policy 6-316, Section 1**, General Provisions) at the University of Utah or by faculty members asserting rights including appeals from retention, promotion and tenure decisions. The CHC may also choose not to hold hearings and to dismiss complaints brought before it under certain circumstances. The CHC may also seek the expertise and assistance of other committees or individuals it deems appropriate to facilitate the hearing process. The CHC functions as a panel of five faculty members constituted anew for each case. Each panel is drawn from a larger pool elected by the Academic Senate. (See VIII below).
2. In particular, the CHC is the hearing body for the following University proceedings:
 - a. Any authorized and timely appeal for review following the cognizant senior vice president's ("Sr. VP's") recommendation to the president at the conclusion of a formal retention/promotion/tenure review. (**Policy 6-303**)
 - b. Formal hearings of complaints of discrimination against a faculty member or an academic unit based upon race, color, religion, national origin, sex (including claims of sexual harassment), age, sexual orientation, gender identity/ expression, or status as a disabled individual, disabled veteran or veteran of the Vietnam era if the discrimination complaint is raised in the context of another faculty proceeding. (Otherwise, complaints of discrimination brought against faculty, students, and staff members are heard through the OEO/AA process. (**Policy 5-210**);
 - c. Proceedings to sanction a faculty member for violations of the Code of Faculty Rights and Responsibilities, ("Faculty Code") **Policy 6-316** or to review an imposed administrative reprimand. **Policy 6-316, Section 6**, Administrative Reprimand;
 - d. Hearings of matters involving complaints by members of the university community (including faculty members and students) when abridgement of academic freedom is alleged;
 - e. Proceedings for terminations or reductions in status of faculty members for medical reasons;

- f. Appeals of a faculty member's dismissal or reduction in status in the event of financial exigency or program discontinuance;
 - g. Appeals by faculty, students, or staff of any restrictions on speech under University speech policies;
 - h. Formal hearings of allegations of Research Misconduct against a faculty member pursuant to **Policy 7-001** (sponsored research). Formal hearings of (sponsored) research misconduct against a student, staff member, or other individual not a faculty member are heard by the Research Misconduct Hearing Committee. (Note: allegations of misconduct in non-sponsored research shall be filed as an allegation under the Faculty Code.
- A. Route to CHC

The route to the CHC varies with the different matters it is authorized to hear. It is the hearing body for matters initially considered but not resolved by other committees, offices, or individuals.

1. Denial of retention, promotion, or tenure.

The faculty candidate or another authorized party (see **Policy 6-303, Section G.4.**) may file an appeal after the Senior Vice President's recommendation at the conclusion of the RPT process. Grounds for an appeal are that the recommendation was arbitrary, capricious, unreasonable, discriminatory with respect to characteristics that are protected under law or University policies, or a result of malice; that procedural violations denied the appellant basic fairness and due process; and that the recommendation rests on a violation of academic freedom. (See Section IV.C.2.a. below.)

2. Matters that also include an allegation of illegal discrimination or harassment ("Mixed Complaints").

If a complaint or appeal contains an allegation of illegal discrimination or harassment raised in the context of another matter (e.g. denial of retention, promotion, or tenure or alleged in tandem with other violations of the Faculty Code) that claim of discrimination or harassment shall be referred to the OEO/AA for an investigation and a report back to the CHC. Any appeal from the OEO/AA findings, conclusions and recommendations shall be made to the CHC.

3. Complaint alleging violation of Faculty Code.

a. If an alleged violation of the Faculty Code is not informally resolved by proximate administrators, the aggrieved party may file a **formal complaint** in the office of the cognizant senior vice president. That office may also attempt informal resolution and then forward the complaint to the CHC if no informal resolution has occurred. (See **Policy 6-316, Section 6, Complaints**)

b. A faculty member may ask the CHC to review an administrative reprimand. (See **Policy 6-316, Section 6, Administrative Reprimand**)

4. Violation of academic freedom.

Any concern involving an alleged violation of academic freedom is brought initially to the Academic Freedom and Tenure Committee ("AFTC"). If the AFTC does not resolve the matter informally, the complainant may **request a hearing** from the CHC. (See **Policy 6-313, Section 2.**)

5. Medical termination or reduction in status.

Proceedings to terminate or to award a contract with substantially reduced status to a faculty member for medical reasons shall be preceded by discussions with a faculty member's department chairperson, dean, and/or cognizant senior vice president looking to a mutually acceptable resolution of the problem, such as an accommodation under the Americans with Disabilities Act. If no such resolution is achieved, the cognizant senior vice president files a written statement with the CHC alleging a faculty member's inability to perform the essential functions of the job. (See **Policy 6-313, Section 5.**)

6. Appeal of a dismissal or reduction in status in the event of financial exigency or program discontinuance.

The faculty member first appeals such dismissal or reduction in status to the cognizant senior vice president, who makes a recommendation. The faculty member can then appeal the Sr. Vice President's decision to terminate or reduce status, but only for (1) violation of his/her academic freedom or constitutional rights, (2) failure to comply with the policy, with related institutional policy, or with the plan for personnel reduction approved by the Board of Regents, or (3) illegal discrimination. (See **Policy 6-313, Sections 6 and 7.**)

7. Appeals from restrictions on speech under University Speech Policies.

After an administrator makes a decision restricting speech, a student, staff, or faculty member may appeal the matter to the Committee on Student Affairs. The party may appeal the decision of COSA to the CHC only if the appellant alleges a violation of the Utah or United States Constitution or of academic freedom. (See **Policy 1-007**)

8. Research Misconduct.

The CHC is the formal hearing body for research misconduct but the route to the CHC differs between sponsored and non-sponsored research.

a. Any complaint alleging research misconduct in sponsored research is filed first with the Research Integrity Officer (See **Policy 7-001**) Either the respondent of the investigation or the Research Integrity Officer may request a formal hearing after receiving the summary of the Research Misconduct Investigation Committee's findings, conclusions and recommendations.

b. An allegation of research misconduct in non-sponsored research should be filed as a violation of the Faculty Code. Once received, the CHC, however, may at its discretion refer the complaint to the Research Integrity Officer for investigation pursuant to **Policy 7-001.**

C. Steps Preceding the Hearing

1. Receipt of Complaint or Appeal

The CHC process begins upon the receipt by the Office of the Senate of an **appeal or complaint** in writing setting forth the pertinent issues. The CHC shall develop an **intake form** to assure all issues are raised initially. Each appeal or complaint shall append the relevant file or summary report generated through the prerequisite proceedings of other processes, if any.

2. Chair Selection

The Office of the Senate shall select a chair and the members of the panel within 10 business days of receipt of the appeal and shall forward the materials to each of them. (See Section VIII C. below).

3. Notification

The Office of the Senate notifies other parties of the appeal or complaint, provides copies to other parties and invites written responses. The responses shall be submitted within ten business days of receipt of the notice. Copies of the responses and of all subsequent documentary submissions shall be provided to all parties by the Office of the Senate.

4. Request for Clarification.

The CHC panel constituted to consider the matter may request written clarification of ambiguities in submitted complaints, appeals and responses.

5. Respondent's additional claims.

A respondent's written submission may contend that the respondent is entitled to relief for a matter over which the CHC has jurisdiction. In an RPT appeal, the CHC shall consider such evidence only as it relates to the RPT appeal and shall recommend a remedy or outcome only relating to the candidate's retention, promotion or tenure. In any other case the CHC shall consult together and with the parties to determine whether efficiency and fairness will be promoted by permitting the parties to proceed against one another on cross complaints in one proceeding. If the CHC determines that efficiency and fairness will be advanced by proceeding on all related claims, it shall so notify the parties and shall proceed to make findings on all relevant issues and to recommend all remedies it deems appropriate.

6. Preliminary Review, Referral, and Dismissal of the Complaint

After reviewing the complaint/appeal, the response and the appended file, if any, the CHC shall determine whether to dismiss the complaint or whether to refer the complaint or certain allegations within it to another University entity. If informal resolution has not previously been attempted, the CHC may refer the matter for informal resolution efforts, as it deems appropriate. (In some circumstances, such as in appeals from denial of retention, promotion or tenure, informal resolution efforts may not be appropriate).

a. Referral

i. Mixed Complaints or Appeals.

- If a complaint or appeal raises allegations of illegal discrimination, the CHC shall refer those allegations to OEO/AA for an investigation and report.
- If an appeal alleges a violation of academic freedom, the CHC shall refer those allegations to the AFTC for consideration and report.
- If a matter before the CHC alleges misconduct in non-sponsored research, the CHC may refer the matter to the Research Integrity Officer for inquiry and/or investigation pursuant to the Procedures set forth in **Policy 7-001**. If a matter alleges misconduct in sponsored research, the CHC shall refer it to the Research Integrity Officer pursuant to **Policy 7-001**.

ii. Hearing on all allegations.

The CHC chair shall consult with the director of OEO/AA, chair of AFTC, or Research Integrity Officer as the chair deems appropriate to facilitate fair and prompt proceedings and the timely return of the case to the CHC for a formal hearing on the entire matter. Any reports resulting from a referral shall be made available to all parties prior to the hearing.

b. Dismissal.

The CHC may conduct a preliminary review of the written record (without the parties) to determine whether to dismiss an appeal or complaint or to decide it on its merits. The CHC may dismiss a matter only under the limited circumstances set forth below. If a matter is dismissed, the aggrieved party may appeal to the President who can affirm the dismissal or return the matter to the CHC with instructions.

- i. Appeal from RPT decision: The CHC may not dismiss an appeal from an RPT decision.
- ii. Discrimination: The CHC may dismiss allegations of discrimination only if it finds, after reviewing the OEO investigation report and other submissions, that there is insufficient evidence to support a claim of discrimination or harassment, or if it finds that the issue is no longer relevant or has become moot. The CHC shall determine whether to proceed with a discrimination claim based on a review of the complaining party's statement, the reply of the responding party, the written request for the formal hearing and the OEO/AA's initial determination, attachments, and recommendations, and any comments of the parties received in response to the initial OEO/AA' summary.
- iii. Faculty Code Violations: The CHC may dismiss the complaint only if it determines that the complaint is frivolous or that the complaint fails to allege facts constituting a violation of the Faculty Code.
- iv. Academic Freedom Violations: The CHC may dismiss a complaint only if it determines that the complaint does not involve a substantial question of academic freedom or a substantial academic grievance, as defined in the rules of the Academic Freedom and Tenure Committee (**Policy 6-313, appendix**) or that the claimant is not directly or substantially affected by the matters of which he or she complains. The CHC must consult with AFTC before such a complaint is dismissed.
- v. Appeal of Dismissal or Reduction in Status Due to Financial Exigency or Program Discontinuance: The CHC may dismiss the appeal on the written record only if it finds (after considering any report from AFTC) that the appeal does not raise a substantial question of academic freedom, and if it finds (after considering any report, if any, from OEO/AA) that there is insufficient evidence to support a claim of discrimination (if any), and if it finds that the appeal fails to allege sufficient facts to constitute failure to comply with university policy or with the plan approved by the Board of Regents. Because the Procedures for the declaration of financial exigency contained in PPM require the demonstration of the need for such declaration after substantive consultations, notice, and hearing, the decision of the Board to declare financial exigency is not subject to

contest by faculty or staff in any grievance or appeal Procedure within the institution or before the Board of Regents.

- vi. Appeal from Restrictions on Speech: The CHC may dismiss the appeal on the written record only if it finds (after considering any report from AFTC) that the appeal does not raise a substantial question of academic freedom or violation of the Utah or United States Constitution.
- vii. Proceedings for Medical Termination or Reduction in Status: The CHC may not dismiss a case seeking termination or reduction in status for medical reasons.
- vii. Sponsored Research Misconduct. The CHC may not dismiss a request for a formal hearing in a sponsored research misconduct matter following the issuing of a summary report by the Research Misconduct Investigation Committee. (Non-sponsored research misconduct allegations are handled as Faculty Code violations pursuant to Section II.H.2. above.)

c. Notice to Parties if Case Dismissed. If the CHC decides to dismiss a case for any of the permissible reasons set forth above, it shall promptly, in writing, notify all parties of this decision and the reasons for it as well as the parties' right to appeal the dismissal to the President of the University within 10 business days. Otherwise the CHC shall promptly notify the parties of proposed date(s) for hearing and of the parties' option to waive a hearing and to request that the CHC decide the case on the written record. (The Office of the Senate may assist the CHC in scheduling hearing days and times with the parties.)

7. Waiver of hearing. Any party may ask that the CHC decide the case on the written record without a hearing. This request for a decision on the written record must be made in writing to the CHC, with copies provided to other parties. If all parties so request, the CHC may proceed to consider the written submissions and to decide the case on the written record alone. However, except as provided in section F.2 above, unless all parties agree to waive a hearing, the CHC shall hold a hearing. Even if all parties agree to waive a hearing, the CHC may, in its sole discretion, schedule a hearing of the case in order to question any and all parties and other witnesses.

8. Scheduling of Hearing. If the CHC determines that a hearing is necessary or required, the CHC shall notify the parties of the date set for the hearing. The hearing date shall be within a reasonable time but not fewer than 15 calendar days nor more than 40 calendar days from the date the letter of notification of the complaint was sent to the parties unless the matter has been referred to another entity for an investigation and report. Although the CHC, through the Office of the Senate, may endeavor to find a hearing date that will be convenient for all the parties involved, the CHC has the final authority for determining the date of the hearing. If either the complainant or the respondent fails to attend the hearing without prior notification and good cause, the CHC may proceed with the hearing and take testimony and evidence and reach a decision on the basis of that testimony and evidence.

9. Postponement. The CHC may postpone a hearing if (1) the issue is pending before another university official, committee, or internal or external forum and decision by such other official, committee, or other forum will render the complaint moot or will provide guidance to the committee in resolving the issues before it, or (2) there are strong reasons to conclude that present consideration of the complaint is premature. The CHC

may not consider a complaint during the RPT process until the cognizant senior vice president has issued a recommendation.

10. Notification of time and specific requirements. The CHC shall notify the parties not fewer than 5 business days prior to the hearing of the identity of the panel members, the particular time requirements and Procedures that will be in effect and the standard(s) of review applicable in the hearing (See Section IV.C below).

11. Bias or conflict of interest. Members of the CHC panel shall recuse themselves for bias or conflict of interest. If there is a dispute regarding the participation of any CHC member, the remaining panel members shall hear that dispute and make a final decision about the participation of that member in the hearing.

a. In order to provide an objective and fair hearing, each panel shall take precautions against real or apparent conflicts of interest on the part of panel members. Panel members shall decline to participate in the hearing of any case in which they have a personal bias or conflict of interest that would preclude their making a fair and objective decision, and shall avoid any individual communication with a party.

b. No panel member shall participate in any case from a department with which he/she/is associated as a faculty member or any case in which he/she has been involved in the sequence of review.

c. Any party may file a written challenge to any member on these grounds within seven calendar days of the notification of the panel composition.

12. Prehearing. The CHC may hold a prehearing with the parties in order to resolve challenges for cause, simplify the issues, effect stipulations of fact, and achieve such other prehearing objectives as will make the hearing fair, effective, and expeditious.

13. Sharing of witness lists and documents. At least 5 business days before the commencement of the hearing, the parties and the CHC shall make available to one another a list of their witnesses, and copies of documents to be offered at the hearing.

D. Hearing Procedures

1. Foundational statement.

a. The Consolidated Hearing Committee conducts its hearings as informal administrative proceedings rather than formal trials. The CHC may consider any evidence that is relevant and that may have probative value. There are no formal rules of evidence. Hearings, by their very nature, are stressful for the parties. The CHC endeavors to conduct the proceedings with respect for all the individuals involved and requires that civility be observed by all participants.

b. The CHC chair has the authority to conduct the proceedings and to take whatever actions the chair deems appropriate in order to effect a fair and civil proceeding in keeping with these policies and with relevant law. The University's Office of General Counsel will provide the Chair and the CHC with advice through an attorney who does not represent any of the parties.

2. Hearing.

a. The parties have a right to be represented by any person as advisor, including legal counsel, at all stages of the proceedings (including the prehearing stage). An

advisor (including legal counsel) will act in an advisory capacity only, and will not have the right to speak to the CHC or to the other parties or witnesses.

b. At the hearing, the parties shall have the right to confront and cross examine witnesses through the presentation of their questions to the CHC chair. The parties shall have the right to present evidence and call witnesses on their own behalf, to testify, or to remain silent, and to be present with their advisors except during sessions that are closed for deliberations and voting.

c. Parties may request that observers attend, and the CHC may grant such request as it deems appropriate. At the request of any party or the CHC, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

d. Hearings normally will be closed to the public to the extent permitted by law. However, if a majority of the CHC panel and all of the parties agree, a hearing may be open to the public. All persons at a closed hearing shall be asked to refrain from public statements about the matter and shall be informed of any legal requirements of confidentiality by the legal counsel for the University.

e. Upon request by any party, and subject to applicable law, the CHC may request the production of relevant university records and may request that witnesses appear and testify at the hearing. University employees shall comply with such requests to the extent not prohibited by law.

f. The OEO/AA, AFT, the Research Integrity Officer, or any other neutral investigative or consultative body shall provide, upon request, a written report to the CHC and the parties prior to the hearing and a representative from the pertinent office shall be available at the hearing to answer questions and testify.

g. Hearings (except for deliberations) shall be tape recorded (or video recorded.) Any party can obtain a copy without charge.

h. Witnesses may be called by either party or by the CHC. The CHC may (in its discretion) consider telephonic testimony. Written or recorded submissions from witnesses instead of oral testimony shall be allowed only under exceptional circumstances given the inability of the opposing party and the CHC to cross-examine the witness.

i. Ordinarily, any documentary evidence should be produced for CHC and all the parties prior to the hearing. For good cause, the CHC may nevertheless consider documents produced at the hearing itself. Any document produced at the hearing shall be provided to the all parties as well as the CHC.

j. The CHC may grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made, or for other good cause, but shall avoid unnecessary delay in the proceedings.

3. CHC Standard of Review and Actions.

a. The CHC's report with its determinations, rationales and recommendations will be based on the evidence submitted to it and its assessment of the credibility of witnesses.

b. A variety of matters can be brought to the CHC, which may necessitate different standards of review. Some, such as the consideration of RPT decisions are appeals and, as such, the CHC has a limited standard of review. Others, such as those

alleging violations of the Faculty Code or alleging illegal discrimination may entail formal, de novo, fact-finding hearings. In all cases, 3 out of 5 panel members must agree on a finding or recommendation. The CHC shall report its findings and recommendations to the President in all cases.

- i. Appeals brought from recommendations of the cognizant senior vice president in retention, promotion and tenure ("RPT") decisions.

Appellant must provide clear and convincing evidence that the recommendation was arbitrary, capricious, unreasonable, discriminatory, a result of malice, or a violation of academic freedom; and/or show by a preponderance of evidence that there were procedural defects that denied the appellant basic fairness and due process. Presumption is that the recommendation was made in the best interest of the university. The appellant may prove that the vice president's recommendation was invalid because it relied on a prior recommendation in the same review process that was procedurally defective, arbitrary, capricious, unreasonable, discriminatory, a result of malice, or a violation of academic freedom. If the CHC finds such procedural defects or arbitrary and capricious action, it shall recommend a remedy for the appellant.

- ii. Complaint filed alleging discrimination or sexual harassment in a Mixed case. The CHC holds a hearing regarding all the issues raised in the complaint and makes findings of facts pertaining to the allegations of discrimination or sexual harassment (and follows the pertinent standard of review for other allegations in the complaint). It may recommend remedial, corrective, and disciplinary action if it finds by a preponderance of the evidence that discrimination or harassment has been committed.
- iii. Complaint alleging violation of the Faculty Code.

The complainant must prove by clear and convincing evidence (in the record as a whole) that the respondent violated the Code. If the complainant so proves, the CHC recommends sanctions.

- iv. Complaint alleging violation of academic freedom.

The claimant must prove by a preponderance of the evidence that the alleged actions occurred and that they violated academic freedom.

- v. Medical termination or reduction of status.

The University must prove the allegation of inability to perform the essential functions of the job with or without a reasonable accommodation by clear and convincing evidence.

- vi. Terminations and reductions in status from financial exigency or program discontinuance.

The appellant must prove by a preponderance of the evidence that the dismissal or reduction in status (1) violates his/her academic freedom or constitutional rights, or (2) fails to comply with the policy for such actions, with related institutional policy, or with the plan for personnel reduction approved by the Board of Regents or (3) constitutes illegal discrimination.

- vii. Appeals of restrictions on speech under University Speech policies.

The appellant must prove by a preponderance of the evidence that the restriction on speech violates the Utah or United States Constitution or academic freedom.

viii. Complaints alleging misconduct in sponsored research.

The CHC must find, by a preponderance of the evidence, that the respondent(s) engaged in research misconduct as defined in **Policy 7-001**.

c. CHC deliberations and voting shall take place in closed sessions. Upon request of any member of the CHC, votes shall be taken by secret written ballot. A three-fifths majority of members present at the hearing, including the chair, shall be required for any decision.

d. The CHC shall prepare a report stating its determinations and recommendations with reference to the applicable standard of review. It shall state its rationale for its determinations and recommendations. The report shall be provided to the parties, the President of the University and the cognizant academic administrator within 21 days of the hearing.

e. Any of the parties may respond to the Report within 5 business days of its receipt. The responses shall be sent to the President with copies to the CHC, the other parties, and the cognizant academic administrator(s).

E. Final Decision by President.

1. The President shall consider the committee's findings and recommendations. The President may solicit whatever counsel and advice the president deems appropriate to assist in arriving at a final determination. The president may not consider evidence outside the record unless the nature of that information is fairly communicated to the parties and a reasonable opportunity to respond is given to the parties. The president shall take one of the following actions:

- a. Accept the findings and recommendations of the CHC;
- b. Return the report to the CHC, requesting that it clarify specific matters, materials, and issues, and forward to the President a second report of its recommendations relating to the specific matters referred by the president for further explanation; or
- c. Reject all or parts of the committee's findings and recommendations, stating reasons for doing so and for imposing a greater or lesser sanction than recommended by the CHC.

2. Written notification of the President's decision and the basis for that decision, if it differs from the CHC 's recommendation, shall be communicated to all parties, the department chair, the academic dean, the cognizant senior vice president, and the chair of the CHC panel.

3. The decision of the President is final.

F. Records of Complaints and Reporting by CHC.

1. Copies of the recordings of hearings as well as the complete file of the hearings shall be kept in the Office of the Senate.

2. A faculty member has the right upon request to examine university records maintained or retrievable under his/her name or identifying numbers relating to proceedings before the CHC to the extent not prohibited by university policy or law.
3. Access to records of hearings shall be governed by applicable law.
4. Each CHC panel that hears a case will provide a brief account of the Issue(s) involved and the decision, appropriately worded or modified to protect any necessary confidentiality, to the Office of the Academic Senate. Pursuant to its duty to report, the CHC may make a confidential report to the Academic Senate Executive Committee regarding a serious concern about the systemic operation of a program, department or college and request that the Executive Committee relay that concern to the cognizant senior vice president.

G. Remedies and Sanctions

The CHC may recommend remedies or sanctions which it deems appropriate to the circumstances. The CHC may consult with AFTC, the Research Integrity Officer, OEO/AA or other University units or officials as it deems appropriate to "craft" the remedy or sanction.

1. Remedies. The CHC may recommend remedies to ameliorate any improper denial of academic freedom or other substantial right considered by the CHC. Remedies may include, but are not limited to, restitution, a request for a written apology, correction of records, or prospective relief designed to eliminate the problem in the future.
2. Sanctions. Sanctions may include (but are not limited to) the following: written reprimand, imposition of a fine only as an alternative to suspension without pay, restitution, restrictions on the respondent's participation in research or other projects, reassignment of duties, mandatory training, additional supervision, probation, suspension or barring the respondent from the exercise of some or all of his/her duties, with or without partial pay, for a definite period of time, or dismissal from employment at the University.

H. CHC Membership Composition and Selection

1. The Consolidated Hearing Committee shall consist of a pool of at least 30 faculty members. These faculty members will be nominated by the Personnel and Elections Committee of the Academic Senate. The Executive Committee of the Senate will review the nominees and in consultation with the administration will provide from that list a slate to the Senate which shall consist of more nominees than available positions. The Senate will select by vote sufficient members to fill the pool. CHC pool members will normally be appointed for 6 year staggered terms. There may be expedited elections if necessary to fill vacancies in the pool or to provide sufficient members for a particular panel.

At least 5 members of the pool shall be faculty with extensive experience as researchers and as recipients of sponsored research grants. These members shall be available to serve as panel members in hearings involving allegations of (sponsored) research misconduct.

2. The Academic Senate President in consultation with the Senate Executive Committee and the administration shall identify at least 5 chairs from the elected CHC pool. The chairs shall be individuals who will agree to undergo significant training in preparation for chairing the CHC panels. Their appointment to the position (but not to a specific panel) shall require confirmation by the Academic Senate.

3. The Office of the Senate will select panel members for each hearing with the goal of constituting an impartial panel. A neutral process such as assigning CHC members on a rotating or random basis will be used. The resulting panel should have diverse academic expertise and experience. Chairs and members with the appropriate expertise as described in the second paragraph of VIII. A. above shall also be selected from their separate pool through a similar neutral process. Being designated as a chair does not preclude serving as a regular member on another CHC panel.

a. For each hearing, the CHC will normally consist of a panel of 4 faculty members and one faculty chair. No more than one of the five members may be faculty with administrative appointments. At the discretion of the chair, an alternate member may be added through the neutral selection process in order to replace a member who becomes unable to serve.

b. In cases in which a party is a student or staff member, or if there are substantial issues that involve students or staff members, then 2 individuals from that party's pertinent peer group(s) shall replace 2 of the 5 faculty members on the panel. Those peer members shall be selected from the pool of staff or student members, which has previously been composed pursuant to **Policy 5-210, Section VII.C.2** "Discrimination and Harassment Hearings."

c. In cases in which there is an allegation of (sponsored) research misconduct, the Office of the Senate shall consult with the Research Integrity Officer regarding the composition of the panel to assure that the committee members shall be faculty members with extensive experience and expertise in (sponsored) research which will enable them to carry out a thorough and authoritative evaluation of the relevant evidence. The Research Integrity Officer has the authority to disqualify a committee member if he/she determines that the committee member has a conflict of interest.

d. In all appeals from a denial of Retention, Promotion or Tenure and in any proceeding alleging a violation of the faculty code for which the sanction of dismissal of the faculty member is sought, all faculty members on the CHC panel shall be tenured faculty.

4. Parties to hearings before the CHC may challenge any member of the CHC panel for cause. If there is a dispute regarding the participation of any CHC member, the remaining panel members shall hear that dispute and make a final decision about the participation of that member in the hearing. (Standards for conflict and bias are set forth in Section III.K above.)

5. Quorum. All 5 members of the selected panel must be present for the entire hearing and any pre-hearing discussions.

I. General. If any other University policy is inconsistent with the provisions herein, this policy shall govern.

SECTION 11 Academic Freedom and Faculty Rights Committee

A. Academic Freedom

Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at the University of Utah. Such freedom shall be recognized as a right of all members of the University academic community, which is defined here to include the faculty, whether with or without tenure or continuing appointment, administrative officers, academic staff, and students of the University. The University of Utah endorses the 1961

statement of the American Association of University Professors concerning recruitment and resignations, the 1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and the Association of American Colleges, and the 1965 "Statement on the Academic Freedom of Students" of the American Association of University Professors.

B. References

Policy 5-210, Discrimination and Sexual Harassment Complaint Policy

Policy 6-001, Faculties, Committees and Councils

Policy 6-400, Code of Student Rights and Responsibilities

Policy 6-002, The Academic Senate

Policy 6-307, Appointments, Retention, Promotion and Tenure

C. Academic Freedom and Faculty Rights Committee

1. Committee Formation

The Academic Senate shall elect an Academic Freedom and Faculty Rights Committee (AFFR) of twelve members chosen from the voting members of the faculty other than the ex officio members of the Senate. The Senate President or the Senate President's designee shall be an ex officio nonvoting member of the committee.

- a. The committee members shall be elected for a term of three years on a rotating basis so that the Senate shall annually elect four committee members to fill vacancies caused by the expiration of terms of office.
- b. The chairperson of AFFR shall be selected in accordance with **Policy 6-002, Section 4.C.2**. A vice chairperson shall be selected by the committee and will preside in the absence of the chairperson.
- c. It shall be the duty of the chairperson or, in his/her absence, of the vice chairperson, to call meetings of the committee at least once each semester and more frequently if need arises. Meetings also shall be called by the chairperson or, in his/her absence, by the vice chairperson, upon the written request of three members of the committee. At least five (5) days written notice of all meetings of the committee and of its agenda shall be given to its members.
- d. If a party is a student, or if there are substantial issues that involve students, then, in consultation with the ASUU President or his/her designee, the AFFR chairperson shall ask one graduate student and one undergraduate student to serve on the committee for the purpose of dealing with that case. If possible, these students shall be selected from the pool of potential student members that has previously been composed pursuant to **Policy 5-210**.

2. Committee Responsibilities

- a. It shall be the duty of the committee to make an annual report each spring semester to the Academic Senate. It also shall be a responsibility of the committee to keep fully informed on the most important controversies on academic freedom and faculty rights in higher education; to survey problems of academic freedom and faculty rights at the University of Utah; and to inform the Senate on these matters in its annual report. Pursuant to its duty to report, the committee may make a

confidential report and request to the Academic Senate Executive Committee that a report of a serious concern about the systemic operation of a program, department or college, be made to the cognizant vice president.

b. AFFR shall have the power to investigate, either on its own initiative or at the request of any member of the university academic community, into any matter which the committee reasonably believes may involve issues of academic freedom at the university.

c. The president of the university may refer to the Academic Freedom and Faculty Rights Committee any matters concerning academic freedom and faculty rights upon which the president feels it would be well to have an opinion for investigation and study. The report of the committee shall be submitted to the president. [moved from **Policy 6-307**]

d. The Committee is empowered to investigate an academic grievance (other than matters concerning retention, tenure or promotion) on a complaint by a faculty member after the faculty member has had the matter reviewed by the appropriate administrative authorities. This authority extends to the rights and duties of faculty members engaged in the academic processes of teaching, research, thinking, and the communication of the products of these processes; the making of academic evaluations; and participation in departmental, collegial and university governance as provided by university policies and Procedures. See **Policy 6-307, Section 7.**

e. If a faculty member facing termination for medical reasons or because of financial exigency or program discontinuance, believes that such termination involves a violation of his/her academic freedom, the faculty member may file a complaint with appropriate officials under this policy Section 10.II.E. or F.

f. The Academic Senate may refer any academic disputes between faculty members or other members of the university staff to the Committee for study and report.

g. Any faculty member may refer a request for review of a resignation to the Committee for study and report. See **Policy 6-307, Sections 6.C. and D.**

h. In addition to its power to investigate and review as referred to above, the AFFR is responsible for overseeing the Code of Faculty Rights and Responsibilities, and with making recommendations to the Academic Senate on general matters of faculty rights and responsibilities and the protection of academic freedom. (See Section 4.A.2 of this this policy.) To perform the latter task, the Committee is directed by university regulations to keep fully informed on issues and problems of academic freedom and faculty rights in higher education and to inform the Senate on these matters in its annual report.

3. General Procedures

a. AFFR may receive a **complaint** directly from a member of the academic community and attempt to resolve the matter informally. If the AFFR is unable to resolve the matter to the satisfaction of the claimant, then the AFFR should explain further options for appeal to the claimant, including the possibility of filing a complaint with the Consolidated Hearing Committee (CHC). (See Section 10.II.D. of this policy.) Formal hearings required in matters involving rights and duties of faculty members are conducted by the CHC under Section 10 of this policy.

b. If a complaint is filed initially with CHC, it may refer the matter to AFFR for "consideration and report." (See Section 10.II.D of this policy.) AFFR does not conduct formal hearings for the purpose of making binding determinations of fact, but it may attempt to engage in informal resolution of disputes, and it may ask for submissions from parties to a dispute when a matter has been referred to it by the Consolidated Hearing Committee (CHC).

c. No committee member shall be present during the committee's consideration of any case from a department with which he/she is associated as a faculty member or for any case in which he/she has been involved except for prior involvement as an AFFR member. In addition, committee members shall decline to participate in the consideration of any case in which they have a personal bias or interest which would preclude their making a fair and objective decision.

d. The Office of General Counsel will provide the chairperson and the committee with advice through an attorney who does not represent any of the parties and who may attend any committee meetings for this purpose.

e. Committee meetings will normally be closed to the public to the extent permitted by law. All persons at a closed meeting shall be asked to refrain from public statements about the matter and shall be informed of any legal requirements of confidentiality by the attorney providing legal counsel to the committee.

f. Definitions

i. "Claimant" means the person(s) submitting a complaint to the committee.

ii. "Complaint" means a signed, written statement on the **AFFR complaint form** (available from the Office of the Academic Senate) that asserts a violation of academic freedom or other substantial academic grievance. An oral or informal written inquiry to the committee or a committee member will not be considered a complaint for purposes of these rules.

iii. "Respondent" means the person(s) against whom a complaint is made.

g. Submission of Complaints

i. Any member of the university academic community may **submit a complaint** to the committee.

ii. A **complaint** to the AFFR shall be filed with the Office of the Academic Senate. The complaint shall be signed, and it shall informally and concisely explain the grounds of the complaint and name the persons complained against. The committee may provide instructions and forms for filing complaints. These instructions and forms shall be available from the Office of the Academic Senate and may be published electronically. All parties shall comply with such instructions and use the proper forms. Complaints alleging illegal discrimination, including sexual harassment, shall be handled in accordance with **Policy 5-210** and Section 10.I.B.2 of this policy.

iii. When a complaint has been filed with the Office of the Academic Senate and referred to the AFFR chairperson, the committee chairperson may consult with the Senate President or designee (as ex officio member of AFFR) to ascertain whether the dispute is subject to another committee's jurisdiction or iii. Procedures.

- iv. The committee normally will not consider a complaint if it determines that the claimant has not been directly or substantially affected by the matters of which he or she complains. Thus the committee generally will decline to consider complaints submitted on behalf of persons who have not joined in the complaint.
- v. In addition to the claimant(s) and the respondent(s), the committee may designate additional parties if the committee concludes that the additional parties have a substantial interest in the complaint that is not already being adequately represented.

4. Processing of Complaints

- a. The chairperson of the committee shall promptly notify each named respondent of the complaint. In notifying respondents, the chairperson shall include a copy of the complaint and a copy of these Procedures. The chairperson also may notify other persons of the complaint if the chairperson believes they may wish to participate in the proceedings as respondents.
- b. A complaint may be dismissed by the committee at any time after it is submitted upon a determination by the committee of any of the following:
 - i. The complaint involves neither a substantial question of academic freedom nor a substantial academic grievance.
 - ii. The matter complained of has been resolved to the satisfaction of the claimant either through informal resolution or a change in circumstances.
 - iii. The claimant is not directly or substantially affected by the matters of which he or she complains and it is not appropriate for the committee to proceed with investigation of the matter on its own initiative.
- c. The parties shall be given prompt written notice of the dismissal of a complaint. Dismissal shall not preclude the claimant from resubmitting a complaint on the same or related matters in the future.

5. Informal Resolution

- a. The committee may request additional information from either the claimant or respondents or both. Preliminary requests and information submitted will be copied to all other parties unless extreme circumstances calling for confidentiality are documented by the committee in its own files.
- b. The committee may designate one or more members of the committee to attempt an informal resolution of the matter. The designated committee members may meet separately with the claimant, the respondent or other persons and may receive information in confidence.
- c. In attempting to promote informal resolution, the committee and its designees will act impartially, respect the principle of self-determination of the parties, and observe reasonable expectations of confidentiality. (See "Model Standards of Conduct For Mediators" promulgated by the American Arbitration Association, American Bar Association, and the Association for Conflict Resolution.)

6. Committee Report

- a. If a complaint is neither dismissed nor resolved informally, then the committee will make a written report to the parties, either with or without recommendations.
 - b. The committee does not make findings of fact that would be binding on any party and does not hold hearings. It may, however, at its sole discretion, invite the parties to meet with the committee to provide further information.
 - c. The committee's report may
 - i. express the committee's view(s) on whether a violation of academic freedom or university policies has occurred,
 - ii. express the committee's view(s) on whether an academic grievance (as defined above) violates the rights or inappropriately impedes the duties of a faculty member,
 - i. advise the parties that a grievance should be processed further at the departmental or other appropriate administrative level,
 - ii. advise the parties that a hearing by CHC would be needed in order to make factual conclusions on identified issues, or
 - iii. advise the claimant of the option to appeal to the CHC in order to request a hearing.
 - d. The committee report may not contain any information provided in confidence by a party during an informal resolution process, unless the party gives permission for its inclusion.
 - e. In the event that a hearing is to be held by the CHC, the committee's written report will be forwarded to CHC. In addition, documents submitted to the AFFR during an informal resolution process will be forwarded to CHC, subject to the permission of the party who originally submitted the documents.
7. Referrals from the Consolidated Hearing Committee
- a. If the Consolidated Hearing Committee (CHC) refers an appeal that alleges a violation of academic freedom to the AFFR for consideration and report under Section 10.III.F.1.a.ii of this policy, then the AFFR will consider the allegations and make a written report to CHC that expresses the committee's view on whether a violation of academic freedom has occurred. The committee may or may not include recommendations in the report to the CHC.
 - b. The AFFR will submit a report to the CHC based only on the materials forwarded to the AFFR by the CHC pursuant to the referral.
 - c. If the committee believes that factual issues relevant to the academic freedom allegations should be determined by the CHC, the committee may, at its sole discretion, so advise the CHC in its report. The committee may, at its sole discretion, also advise the CHC of two or more alternative views held by the committee depending on the CHC's factual findings.

[Excerpts of U-Policy 6-300, composition and authority of the faculty, certain University committees.]

<http://www.regulations.utah.edu/academics/6-300.html>

Policy 6-300: University Faculty

Revision 14

1. Section 1. Membership of the Faculty

The university faculty shall consist of the president, vice presidents, deans, directors of libraries, professors (including distinguished professors, presidential professors and university professors), associate professors, assistant professors, instructors, librarians, associate librarians, assistant librarians, and auxiliary faculty. All shall have the full rights of faculty members except that persons holding auxiliary faculty positions (research, clinical, lecturer, visiting) or emeritus appointments shall not have the right to vote and shall not have tenure or the expectation of tenure.

2. Section 2. Regular Faculty - Tenured and Tenure-Eligible Faculty

Appointees to the regular faculty shall commit full time to the scholarly (or creative), educational, and service endeavors carried on under the auspices of the university. In light of the centrality of free inquiry and free expression in the development and dissemination of knowledge, they shall have tenure or be eligible for tenure (except instructors). In light of the interrelationship of the development and dissemination of knowledge, they shall bear the primary responsibility for carrying on the educational research, creative and service missions of the university. The regular faculty shall include professors, associate professors, assistant professors, instructors (who shall not have tenure) and the following categories of honored faculty: Distinguished Professor, Presidential Professor, and University Professor.

A. Distinguished professor. The rank of distinguished professor is reserved for selected individuals whose achievements exemplify the highest goals of scholarship as demonstrated by recognition accorded to them from peers with national and international stature, and whose record includes evidence of a high dedication to teaching as demonstrated by recognition accorded to them by students and/or colleagues. Distinguished professors will be subject to the same standards and Procedures relative to appointment, retention, and tenure which are applicable to professors. For academic assignments and budgetary support, distinguished professors will be accountable to the academic departments in which they are appointed.

A person should not be recommended to the distinguished professorship until that person is a member of the faculty. Any exception to this policy must be considered by the distinguished professors present on campus before the recommendation is made.

When a recommendation for appointment to the rank of distinguished professor reaches the vice president for academic affairs, the vice president shall (a) request letters of recommendation from at least six outstanding leaders in the candidate's discipline and (b) appoint, with the advice of the incumbent distinguished professors, a special advisory committee to assist the vice president in making a decision on the recommendation. At least one member of this committee shall be knowledgeable in the candidate's academic discipline. All members shall be recognized academicians without administrative assignments. Before completing its review, the committee shall consult with the concerned academic department and the college dean. Except in unusual situations, only one distinguished professor in the university may be appointed in a single academic year.

B. Presidential Professor. Individuals who are under consideration for appointment to the university faculty may, under exceptional circumstances, be appointed by the president to the rank of Presidential Professor. This rank is reserved for selected individuals whose achievements exemplify the highest goals of scholarship as demonstrated by recognition accorded to them from peers with national and international stature, and whose record includes evidence of a high dedication to teaching. This will be determined by a special advisory committee of distinguished professors established in accordance with Section 2.1. The duties and obligations of a Presidential Professor will be the same as those of a regular professor. Academic and budgetary support of a Presidential Professor will be provided by the academic department where the appointment is held.

C. University professor. Appointments to the rank of university professor carry special recognition of extraordinary skill in university teaching which crosses conventional boundaries, emphasizes interdisciplinary relationships, and reflects a strong commitment to liberal education. Individuals considered for appointment to the rank of university professor shall have demonstrated exceptional ability in challenging and stimulating the intellectual curiosity of undergraduate students. Nominations for appointment as university professor may be initiated from the faculty through the appropriate college council and from the students through the ASUU. These nominations will be reviewed by the University Professorships Committee and the vice president for academic affairs. Appointments to the rank of university professor are for one year at a time. For teaching assignments and budgetary support, university professors will be accountable to the vice president for academic affairs. Courses offered by university professors will be identified and listed separately from regular departmental curricula. Individuals with departmental appointments serving as university professors will retain their regular departmental appointments and will be eligible to participate in a normal manner in the faculty retention and tenure activities of their respective departments.

D. Instructor. Appointments in the instructor rank within the regular faculty shall be for a limited term, not to exceed three years, because they are intended for individuals who have not quite achieved their terminal degree or board certification. An instructor may be promoted to Assistant Professor by action of a letter to the Senior Vice President from the dean and department chair verifying that the faculty member has completed the terms for such a promotion specified in the initial letter of appointment and has received positive annual retention reviews, as per Policy 6-303.C.1. An instructor may be terminated without formal review for failing to complete the requirements for promotion to Assistant Professor in the period of time specified in the initial letter of appointment. A department may institute a formal review in any year if it wished to recommend termination of an instructor for failure to meet performance standards for retention.

If an instructor is promoted to Assistant Professor the period served in the instructor term appointment may, at the option of the faculty member, be excluded from the pre-tenure probationary period. The letter to the Senior Vice President shall indicate if the appointee is exercising the option to count or not count the limited term appointment as part of his/her pre-tenure probationary period.

If an individual is formally admitted to a degree program in the same college in which that person holds a regular faculty appointment, the individual must resign from that regular faculty appointment immediately, unless an exception to this requirement is granted in writing by the president of the University.

Section 3. Library Faculty

Appointees to the library faculty shall commit full time to support of the university's teaching and research program, professional growth and scholarly or creative activity, and service to the university and community. They shall have continuing appointment or be eligible for continuing appointment. Library faculty shall include academic librarians with the rank of librarian, associate librarian, and assistant librarian.

Section 4. Auxiliary Faculty

Appointees to the auxiliary faculty shall be individuals who participate in the university's academic program and make a substantial contribution to the academic activities of the various colleges, but whose continuing professional activities do not span the full range of responsibilities of regular faculty members in the appointing department or college. In light of the University's need to retain the flexibility to adjust its programs to meet changing needs and to employ faculty with more specialized foci to that end, auxiliary faculty may be appointed as research, clinical, lecturer (or lecturing), adjunct or visiting faculty members, as further defined in the sections below. Auxiliary faculty may hold the ranks of professor, associate professor, assistant professor, or instructor.

A. Responsibilities and Rights

Appointment to an auxiliary faculty position is without significance for the achieving or holding of tenure. Auxiliary faculty shall not have the right to vote on policies regarding appointment, retention, tenure or promotion or on individual personnel decisions relating to appointment, retention, tenure or promotion, except as provided below. However, long-term instructional auxiliary faculty should be accorded more substantial rights related to curricular matters and appointments within their areas of professorial responsibility. Colleges and departments may permit such auxiliary faculty to vote on appointment and promotion decisions with respect to other auxiliary faculty in their respective categories, and to advise on other appointments. Colleges and departments may accord long-term instructional auxiliary faculty authority to vote on curricular and other policy matters within their unique area(s) of professional responsibility, and accord long-term auxiliary instructional faculty benefits or funding to enhance their professional development. Subject to applicable University policies and to a determination by the individual colleges and departments, auxiliary faculty (or any category and/or rank of auxiliary faculty) may be permitted to participate in the processes of setting department or college policy, or to engage in other activities of faculty members outside their area of basis, auxiliary faculty may supervise or serve on graduate student committees if departmental and graduate school policies permit.) Appointees to these positions shall not be counted among the number of faculty members of a representation area for purposes of apportioning membership in the Academic Senate, shall not be eligible for election to the Academic Senate, and shall not be eligible to vote for members of the Academic Senate. However, appointees to these positions may serve as members of appointed faculty committees. In these respects, auxiliary faculty members shall have the privileges and responsibilities of faculty members.

B. Terms

Appointments to the auxiliary faculty are for limited terms only. All annual auxiliary faculty appointments end automatically each June 30. Individuals in such positions may be reappointed after departmental review, with no limitation on reappointment, except that visiting faculty may only serve in that capacity for a total of three years. Appointments or reappointments may also be made by means of a written contract for a fixed term of up to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term appointment ends automatically on June 30 in the final year of the specified term. Individuals in such

positions may be reappointed at the conclusion of that fixed term for another fixed term of up to five years after departmental review and with reasonable assurance of specific funding. Review of all categories of auxiliary faculty (including annual review, review before reappointment, and review in consideration of reappointment to a higher rank) should be appropriate in light of the category, rank, and role of the faculty members.

After three years of continuous full-time service, an auxiliary instructional faculty member should be given at least 3 months notice of non-renewal of appointment, unless particular contractual provisions otherwise govern.

C. Early Termination

Auxiliary faculty members' appointments may be terminated before the conclusion of the limited term for the following reasons:

1. for financial exigency, medical reasons or program discontinuation, as provided for in Policy 6-313.
2. for violation of the Faculty Code, as provided for in Policy 6-316.
3. for the auxiliary faculty member's failure to meet a term of the contract; or
4. if any condition specified in the contract is not fulfilled.

D. Auxiliary Faculty--Categories. All auxiliary faculty provided for above must be appointed as research, clinical, lecturer, adjunct or visiting faculty.

1. Research Faculty are individuals who participate in the university's academic program, but whose primary professional efforts are devoted to one or more research projects, or nonacademic training projects may be appointed to the ranks of professor, associate professor, assistant professor, or instructor, provided the additional title of "research" accompanies the designated rank. Appointments to "research" positions are without significance for the achieving or holding of tenure. Any proposed appointment to a research faculty rank shall be considered by the department committee under the same rules which would apply to an appointment to the corresponding regular faculty rank. Advancement within the research faculty ranks shall be considered by the department committee under the same rules which would apply to promotions in the corresponding regular faculty ranks, except that advancement within the "research" ranks is to be based primarily on excellence in performance in research. Appointees to these positions may serve as members of appointed faculty committees and shall have the privileges and responsibilities of faculty members, subject to a determination by the individual colleges and departments of the degree to which they may participate in the processes of setting department or college policy. However, they shall not have the right to vote on matters relating to appointment, retention, tenure or promotion. Appointees to these positions shall not be counted among the number of faculty members of a representation area for purposes of apportioning membership in the Academic Senate, shall not be eligible for election to the Academic Senate, and shall not be eligible to vote for members of the Academic Senate. All annual research appointments end automatically each June 30. Individuals in such positions may be reappointed after appropriate review. Annual reappointment reviews will not be required after a faculty member in a research rank has completed a probationary period of seven years if initially appointed as a research assistant professor or five years if initially appointed as a research associate professor or research professor. After appointees to research positions have completed their probationary periods, their annual reappointment may be handled at the department level by the department chairpersons if the specified funding on which the positions

are dependent is available. Research appointments may also be made by means of a written contract for a fixed term of two to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term research appointment ends automatically on June 30 in the final year of the specified term. Individuals in such positions may be reappointed after appropriate review.

2. Clinical Faculty are instructional faculty whose primary professional expertise is in the practice context or whose primary professional responsibility is conducted in a clinical, professional or practicum setting.

3. Lecturer or Lecturing Faculty are instructional faculty whose primary professional efforts are devoted to teaching.

4. Adjunct Faculty are instructional, advisory or research faculty whose professional activities do not span the full range of responsibilities of regular faculty members in the appointing department or college because of their primary professional efforts in another department or college or outside the University. Accordingly, adjunct faculty ordinarily should not serve on a full-time basis.

5. Visiting Faculty participate in the university's academic program on an interim basis and make a substantial contribution to the appointing department or college during that period in either the instructional and/or research realm. Individuals in such positions may be reappointed up to a cumulative total of three years in residence, but should not hold long-term appointments and are not entitled to notice of non-reappointment. Appointments to "visiting" positions are without significance for the achieving or holding of tenure, unless the individual is appointed to a regular faculty rank immediately upon completion of service in the visiting rank. Then the period served in the visiting rank may be counted as part of the pretenure probationary period. Whether the period in the visiting rank will be so counted must be agreed upon in writing at the time of the appointment to the regular faculty rank.

Section 5. Uniform use of Categories and Reports of Instructional Activities

A. It is crucial to the permanent well-being of the University that tenured and tenure-track faculty continue to shoulder the primary responsibility for design of the curriculum and for instruction at all levels of university education.

1. The administration shall report annually to the Academic Senate on the faculty make-up by category.

2. An assessment will be made annually by the Academic Senate of the effects of faculty composition on this central principle.

B. Accordingly, each department, college and program must appoint faculty to the categories specified above as current contracts expire. Each department or college may elect between the two instructional categories of "clinical" and "lecturer" faculty or may use both instructional categories in light of its particular mission(s) and instructional approach(es).

Section 6. Authority of the Faculty

The authority of the faculty and of the Academic Senate is based on state law, the regulations of the State Board of Regents, and regulations promulgated by the university president and approved by the Board of Trustees. Whatever in this document is in conflict with these is of no effect. Utah Code Ann. 53B-1-101 et seq. (1994).

The university faculty shall have power subject to the authority of the State Board of Regents, and the university president and Board of Trustees to legislate on matters of educational policy, to enact such rules and regulations as it may deem desirable to promote or enforce such policies, and to decide upon curricula and new courses of study involving relations between schools and colleges. The faculty will normally exercise this power through its representative, the Academic Senate. The faculty shall, however, have the appellate power to review all actions affecting educational policy, including legislation enacted by the Academic Senate, whenever an appeal is made from the Senate to the faculty as hereinafter provided.

The faculty has a right to a meaningful role in the governance of the university, including primary responsibility for course content and materials, degree requirements and curriculum; it has a right to participate in decisions relating to the general academic operations of the university, including budget decisions and administrative appointments.

In all matters, except those granted to the Academic Senate, the faculty shall have original jurisdiction. Whenever the faculty is acting within its province as here designated, its actions shall be effective without approval unless they involve an increase in the expense of instruction or administration. Whenever such an increase is involved, whether by action of the university faculty, the Academic Senate, or a school or college faculty, the university president shall report the action to the Board of Trustees with the university president's recommendations. (See [Policy 6-001](#), University Regulations, Section 1.)

Section 7. Officers of the Faculty

The president of the university is the chairperson of the faculty. In the university president's absence, the vice president for academic affairs shall preside. The faculty shall have a secretary, who need not be a member of the faculty, appointed by the president at the beginning of each autumn semester for the academic year. The secretary shall be an ex officio member of the Academic Senate. The secretary shall record all action of the faculty and the Academic Senate and preserve all records in a form convenient for reference.

Section 8. Meetings

Regular quarterly meetings may be held at a time decided upon by the faculty. Special meetings of the faculty may be held at any time and may be called by the university president or the Academic Senate. Special meetings for the consideration of specified agenda shall also be called by the university president on the written petition of at least five percent of the voting faculty. The vice president for academic affairs shall announce the number of total voting faculty at the beginning of each academic year. To insure a wide distribution of faculty sentiment, not more than one-half of the signatures presented on such a petition shall be counted from any college or school. No action pertaining to any department shall be considered at a special meeting unless the chairperson of the department has been duly notified.

Any number over ten percent of the voting faculty shall constitute a forum for discussion, but no vote shall be binding with less than fifty percent of the voting faculty in attendance.

Nonfaculty members of the Academic Senate shall have the right to attend all meetings of the faculty. On the invitation of the university president, persons holding teaching and research positions not defined in Section 2 of this policy as members of the faculty may attend meetings of the faculty and may participate in the discussion of any or all questions. Nonmembers of the voting faculty, as this is described in Section 1 of the chapter, may neither vote nor introduce formal motions in faculty meetings.

Every member of the faculty shall have free and equal voice in its deliberations. Should the faculty be equally divided on any question, the university president shall have one vote in addition to one vote as a member of the faculty.

The agenda for special as well as general faculty meetings shall be announced to faculty members and all others authorized to attend or invited to the meeting at least one week in advance of the meeting. In case of emergency the university president may waive this time restriction.

Section 9. Order of Business

Roll call, when requested by the university president

Announcements and communications

Reports from the officers of administration, school and college councils, and committees

Unfinished business

New business

Adjournment

Section 10. Committees of the Faculty

A. Institutional Animal Care and Use Committee *[contents not included here, see full contents at <http://www.regulations.utah.edu/academics/6-300.html>]*

B. Institutional Review Board for Research with Human Subjects (General University)

[contents not included here, see full contents at <http://www.regulations.utah.edu/academics/6-300.html>]

D. Other Committees

The university president shall appoint, before the opening of the academic year, upon nomination by the Personnel and Elections Committee, such other standing committees as the work of the university may require.

Special committees may be appointed at any time by the faculty or the university president. The university president shall be an ex officio member of all committees of the faculty and of the Academic Senate.

Faculty committees, other than senate committees, must report to the faculty the progress of their work and any action taken and shall act only within the limitations placed upon them.

Section 11. Faculty Club

There shall be a Faculty Club on the University of Utah campus, to be governed by a constitution adopted by its membership and approved by the Academic Senate and the Board of Trustees. Amendments to the Faculty Club Constitution shall also require the approval of the Academic Senate and the Board of Trustees.

Procedures for On-Line Voting

Executive Committee

On-line voting is permitted under extraordinary circumstances as declared by the Academic Senate President. A measure requires a majority of the membership of the Committee to pass. The ballot will contain the measure under consideration and the alternatives of “Yes,” “No,” and “Abstain.”. The report of the balloting will include the three alternatives and the number not voting.

Academic Senate

On-line voting is permitted under extraordinary circumstances as declared by a vote of the Executive Committee. A measure requires a majority of the membership of the Senate to pass. The ballot will contain the measure under consideration and the alternatives of “Yes,” “No,” and “Abstain.” If the measure requires a description of more than a single page, it shall be sent as an attachment, and a concise summary provided by the Secretary of the Executive Committee will be included in the body of the email. The report of the balloting will include the three alternatives and the number not voting.

PARLIAMENTARY PROCEDURES AT-A-GLANCE

TO DO THIS:	YOU SAY THIS:	MAY YOU INTERRUPT THE SPEAKERS	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	IS THE MOTION AMENDABLE?	WHAT VOTE IS REQUIRED?
ADJOURN THE MEETING	"I move that we adjourn."	NO	YES	NO	NO	MAJORITY
RECESS THE MEETING	"I move that we recess until....."	NO	YES	NO	NO	MAJORITY
COMPLAIN ABOUT NOISE, ROOM TEMPERATURE, ETC.	"Point of Privilege."	YES	NO	NO	NO	NO VOTE-CHAIR DECIDES
END DEBATE	"I move the previous question."	NO	YES	NO	NO	2/3 VOTE
POSTPONE CONSIDERATION OF SOMETHING	"I move we postpone this matter."	NO	YES	YES	YES	MAJORITY
HAVE SOMETHING STUDIED FURTHER	"I move we refer this matter to a committee"	NO	YES	YES	YES	MAJORITY
AMEND A MOTION	"I move that this motion be amended by."	NO	YES	YES	YES	MAJORITY
INTRODUCE BUSINESS (A primary motion)	"I move that....."	NO	YES	YES	YES	MAJORITY
OBJECT TO PROCEDURE OR TO A PERSONAL AFFRONT	"Point of Order"	YES	NO	NO	NO	NO VOTE-CHAIR DECIDES
REQUEST INFORMATION	"Point of Information"	YES, if urgent	NO	NO	NO	NO VOTE
ASK FOR A VOTE BY ACTUAL COUNT TO VERIFY A VOTE	"I call for a division of the house."	NO	NO	NO	NO	NO VOTE-UNLESS SOMEONE OBJECTS
OBJECT TO CONSIDERING SOME UNDIPLOMATIC OR IMPROPER MATTER	"I object to consideration of this question."	YES	NO	NO	NO	2/3 VOTE
TAKE UP A MATTER PREVIOUSLY TABLED	"I move we take from the table."	NO	YES	NO	NO	MAJORITY
CONSIDER SOMETHING OUT OF ITS SCHEDULED ORDER	"I move we suspend the rules and consider...."	NO	YES	NO	NO	2/3 VOTE
VOTE ON A RULING BY THE CHAIR	"I appeal the Chair's"	YES	YES	YES	NO	MAJORITY

Reference: 1996 Delegate Assembly Handbook, Chapter Services, National Association of Social Workers, 750 First St. NE, Suite 700, Washington, DC 20002