

University of Utah

Legislative History of

Policy 6-002 Revision 30, Policy 6-305 Revision 18, Policy 6-010 Revision 0, Policy 6-011 Revision 0.

As approved by the Academic Senate January 6, 2014, and the Board of Trustees January 14, 2014,
with designated effective date of May 15, 2014.

Prepared by Bob Flores, Senate Policy Liaison, for the Institutional Policy Committee

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Memorandum

From: Academic Senate Leadership: President Allyson Mower, Past-President Robert Fujinami, President-elect Stephen Alder (and Bob Flores, Senate Policy Liaison as Reporter/Draftsperson)

To: Academic Senate members, and Senior Vice Presidents for Academic Affairs and Health Sciences.

Re: **Proposed Revisions of Policies 6-002, 6-305, and new Policies 6-010, 6-011 to integrate Career-line faculty representatives into standing committees of the Academic Senate, and for other updating, reorganizing, and clarifying of Senate and Senate committee structures and procedures.**

1. Introduction.

This proposal is for the second set in a series of sets of changes of University Regulations comprising an overall project which was begun in spring 2013 and will continue through spring 2014, with two primary purposes of (i) changing the nomenclature for categories of faculty (including a renamed category of “Career-line”), and (ii) integrating the Career-line faculty into the University’s system of shared governance structures, including the Academic Senate as the central such shared-governance structure. The overall project also several secondary purposes of accomplishing long-needed updating, reorganizing, and clarifying of various University Regulations regarding the Senate and other shared-governance structures, or which make use of the old nomenclature of categories of faculty.

The first set of changes in the series (approved spring 2013, effective July 2013) established new faculty categories and nomenclature through partial revision of Policy 6-300. As a reminder about the new nomenclature, the category of faculty who are “tenure-track” or “tenured” is now named “tenure-line” rather than the former “regular.” The term “auxiliary” formerly used for all other faculty categories is being eliminated, and the existing subcategories of Clinical, Lecturer and Research are continued but now being grouped under a new overall category of “Career-line,” a name intended to reflect underlying principles that faculty in such positions are to be full-time rather than part-time, and typically anticipated to have longer rather than shorter-term roles with the University (many devoting the majority of their professional lives to their faculty work at our institution). Two other existing categories of Adjunct and Visiting are continued, and are described as the appropriate categories of appointment for persons whose faculty responsibilities for the University are of a part-time/and or shorter-term nature. See the full descriptions of categories in the partially revised Policy 6-300 at <http://regulations.utah.edu/academics/6-300.php>

And as a further reminder, the spring 2013 set included partially revising Policy 6-002 to begin integrating Career-line faculty representatives into the Academic Senate system, starting with the *main body* of the Senate (newly elected members joining at the January 6 meeting), leaving further revisions to

be dealt with through a second phase of the project. See the partially revised Policy 6-002 at <http://regulations.utah.edu/academics/6-002.php>.

This second set in the series focuses on the shared-governance integration, and specifically on integration of Career-line faculty into the standing committees of the Senate. This will be accomplished by changes for a set of three University Policies which directly govern the Senate and its standing committees.

There are important circumstances dictating a particular schedule for approving and implementing these second-set changes: to complete the final approvals within the single monthly cycle of January 2014, and have the changes take effect May 2014, and meanwhile have work underway to prepare and present for approval later in spring 2014 other sets of changes to Regulations as part of the overall project. This second set in the series has been separated from other pieces of the project to allow it to be processed on a faster schedule, as well as allowing the large number of overall project parts to be divided into stages with proposals of manageable size to allow thoughtful attention to each. This current set of changes restructuring the Senate committees will require making adjustments to the processes for annual elections of committee members. Those adjustments and the initial steps in the election processes, which include the Personnel and Elections Committee and Senate Office communicating with the entire eligible faculty of the University and with department and college administrators to seek nominations for the changed committees, will need to be underway during February and March. That will allow having the final steps of the elections within the Senate to be conducted on their normal schedule at the end of the spring semester, to coincide with these Policy changes being designated to take effect in May, the normal transition date for terms of committee membership. The Executive Committee concluded that this second set of changes should be scheduled to reach the Debate Calendar of the Senate at its January 6, 2014 meeting, rather than any earlier in the academic year, because that will be the first meeting in the history of the Senate at which a set of Career-line representatives will be seated and empowered to participate in the discussion and voting. It is important that the Career-line Senate members have those “seats at the table” to represent the constituencies which elected them, and be able to contribute added perspectives for the benefit of the entire Senate membership as these changes are made regarding the Senate committees, and the operations of the Senate itself.

2. Project preparation.

The needs for the changes included in the series of proposals making up the overall project were discussed with the Executive Committee and the Senate in multiple meetings throughout 2012-2013, through cooperative efforts of Senate leadership, offices of the Senior Vice Presidents, and a broadly representative Ad Hoc Committee on Auxiliary Faculty which was charged with developing and presenting for approval the first set of changes, accomplished in spring 2013. That first proposal, approved by the Senate and Trustees in April and May 2013, included explanation that the changes included then should be viewed as a first “phase” and there would be a “second phase” of further revisions to occur during 2013-2014. (See http://regulations.utah.edu/academics/appendices_6/Legis_History_Policies_6-002Rev29_6-300Rev16_Vol_1.docx).

The specific issue of integrating Career-line faculty into the Senate system of shared governance was of particular concern for the Executive Committee, and accordingly it has been the Senate Leadership

and Executive Committee (rather than the Ad Hoc Committee) taking primary responsibility for researching, formulating, and presenting for approval this second of changes which focus on the Senate and its committees. Senate Leadership and the Executive Committee developed this current proposal through a series of meetings and consultations with standing committee representatives throughout fall 2013, with Bob Flores, Professor of Law and the Senate's Policy Liaison, providing technical assistance of background research and acting as primary draftsman.

3. Second set of Policy changes, for Senate approval Jan. 6, 2014.

These changes for January approval include completing the comprehensive revision of Policy 6-002 (lengthy detailed primary Policy on the Senate and its committees), revising Policy 6-305 (moving its contents about the Faculty Review Standards Committee into 6-002), and enacting two new Policies to house contents being moved out of 6-002, with lengthy descriptions of detailed procedures for dispute investigations and hearings, which are moved but not significantly changed (6-010 Academic Freedom and Faculty Rights, 6-011 Consolidated Hearing Committee).

The primary effects are integrating Career-line faculty members into the Senate's existing system of 10 standing committees. Secondarily, the changes are updating, reorganizing, and otherwise clarifying policy descriptions of the Senate and its committees. For example, one updating-clarifying type of changes is revising the names of all of the standing committees to include "Senate" within the names, to solve a long-observed problem of confusion and misunderstanding among University personnel about the stature of the Senate committees as distinct from other types of University committees.

Highlights of the changes:

A. **Changes for the Senate's 10 standing committees.** The most significant changes, to integrate Career-line faculty members into the standing committees which are elected by the Senate, have in substance been researched and discussed in various settings ongoing since spring 2013, including discussion with representatives of the existing committees, thorough discussions by the Executive Committee, and previews shown to the full Senate, all leading to the final versions of committee membership descriptions now proposed. In addition to membership restructuring (and committee renaming), there is some needed updating, reorganizing and other clarifying of descriptions of the committee functions and procedures. And for just one of the 10—the formerly named RPT Standards Committee, there are fundamental changes expanding its functions meshed with expansion of its membership.

- **Descriptions of membership** and leadership of all Senate standing committees in Policy 6-002 **revised to integrate career-line faculty** in a specific formula identified through research and consultation as being appropriate for each committee based on its particular functions. In summary, the new structures will be:
 - Executive Committee: Career-line newly made eligible, no reserved spots for either category (so ratio is decided annually through the nominations and elections process), and overall faculty membership is increased from 10 to 12 to accommodate anticipated election of a small number of Career-line. Chair (Senate President) must be tenure-line.
 - Personnel & Elections: Career-line newly made eligible, with explicit requirement that number of Career-line shall not exceed number of Tenure-line.

- Academic Freedom and Faculty Rights: Make clear that Career-line continue to be eligible.
- Consolidated Hearing: Make clear that Career-line continue to be eligible.
- Advisory Committee on Academic Policy: Make clear that Career-line continue to be eligible, increase membership from 8 to 9, and increase term length from 2 to 3 years.
- Advisory Committee on Salaries & Benefits: Career-line made newly eligible, with no reserved spots for either category.
- Advisory Committee on Budget & Planning: Career-line made newly eligible, with no reserved spots for either category.
- Advisory Committee on Library Policy: Make clear that Career-line continue to be eligible, without reserving set number of spots for either category (and this will largely be determined at the time of elections by the colleges from which representatives are drawn).
- Advisory Committee on Diversity: Career-line made newly eligible, faculty membership increased from 10 to 12, with six spots reserved for each category.
- Faculty Review Standards Committee: (see description below— 6 Career-line spots added along with major expansion of functions).
- **Renaming of all committees, to consistently include “Senate”** as part of the name given in 6-002. It has been observed over many years that committee members (and sometimes even chairs), members of the Senate, and various University personnel who interact with the committees have often failed to understand that the committees are ‘creatures of the Senate’—which are to report to the Senate and whose membership and functions are determined by the Senate. This has resulted in confusion and delay on various matters—for example confusion about how a committee should proceed to seek authorization for changes to its functions or membership. Adding “Senate” within the name of each committee should help avoid future misunderstanding and confusion. Other mostly minor clarifying revisions are made in the names of some committees, e.g., those which are primarily advisory in nature include “Advisory” in the name (such as Senate Advisory Committee on Budget and Planning).
- Approval of 6-002 specifically includes authorizing the Senate Policy Liaison to editorially update all other Regulations in which any Senate committee is mentioned by name, or there are any cross-references to the Policies now being changed. (E.g. in Policy 6-307, change mention by name of Senate Committee on Academic Freedom and Faculty Rights and correct cross-references to contents of 6-002 now moved to 6-010).
- Flexibility added for various configurations of committee officers, to be determined annually according to circumstances, either a single chair, a chair and vice-chair, or co-chairs. This has successfully been experimented with, and now will be explicitly permitted.
- For the Senate Executive Committee, adding a list of various specific responsibilities that are assigned to the Committee by various other Regulations, which will help leadership keep track of all of the responsibilities arising through the year.
- For the two Senate committees which conduct investigations and case hearings for disputes, the existing very lengthy detailed descriptions of procedures are moved out of 6-002 and into two new Policies (6-010 for Senate Committee on Academic Freedom and Faculty Rights, and 6-011 for Senate Consolidated Hearing Committee), but *without making any substantial changes*. This reorganizing solves a problem that 6-002 is extremely lengthy and will be shortened considerably by this move, and having the procedures detailed in separate stand-alone policies will make it easier to guide committee members and parties to the disputes through the investigation and hearing steps. (And approval of the 6-002, 6-010 and 6-001 changes includes specifically authorizing the Policy Liaison to make conforming updating

corrections in all other Regulations which cross-reference the procedures or mention the committees by name.

- **Major changes for the Senate Faculty Standards Review Committee (formerly University RPT Standards Committee).** In addition to the renaming and a minor change of reorganizing policy contents by moving into Policy 6-002 an existing description of this committee's functions which currently for obscure historical reasons oddly appears in a separate stand-alone Policy 6-305, the important changes are:
 - **Expanding functions** to include not only the existing role of acting on behalf of the Senate to review and approve departmental RPT Statements (especially describing standards and procedures for tenure reviews), but also two new roles, on behalf of the Senate reviewing and approving Statements of Standards and Procedures developed by departments/colleges for **reviews of Career-line faculty** and any non-faculty instructional personnel who teach courses, and Statements for **reviews of Tenured Faculty**. In the discussions for this second set of changes, the two Senior Vice Presidents, the Standards Committee, and the Executive Committee have worked out basic aspects of an arrangement for this committee and the Vice Presidents to jointly share responsibility for reviewing and approving the contents of the Statements which govern reviews of Career-line and Tenured faculty (responsibilities which under Policies 2-005 and 6-310 currently rest only with the VP—without any role for a committee representing the Senate). Revising the 6-002 description of the Committee's functions is the first step in codifying the new shared-joint approval arrangement (and approval of this proposal for 6-002 specifically includes a charge to proceed with a second step, preparing a proposal to revise Policies 6-303, 6-310, and 2-005 to fully codify that sharing arrangement).
 - **Expanding membership** to include six Career-line faculty members for the added responsibilities regarding review processes for Career-line faculty, which brings total membership to 23 faculty. Also authorizing flexible structuring into **sub-committees when appropriate** for workload circumstances.
 - **Lengthening terms of members**, so each will serve a **four-year term** and can be eligible for nomination and election to a **second consecutive term**, whereas current Policy restricts each member to a single three-year term (consecutive terms prohibited). Current members have agreed these changes are needed because this committee's responsibilities require in-depth knowledge and skills that come only with the experience gained through longer service.

B. Other updating and clarification of Senate structure and procedures.

- A summary of general areas/ matters for which the Senate has authority to act on behalf of the faculty and students is added, based on the more specific authorizations that appear in various other Regulations. This is a first round of better organizing the descriptions of Senate authority, and will be followed by a second round of reorganizing and revising several other Policies to eliminate redundancies and contradictions. Most importantly the changes now made in 6-002 will result in there being several directly conflicting points within Policy 6-001, and those will be resolved in the next round of work. Some content which currently appears only in 6-001 is being now copied in 6-002, and then will be deleted from 6-001. The final product of revised 6-002 now and then revised 6-001 and several other Policies (6-003, 6-300, 2-004) in the next round will provide a clear overview of how the Senate fits into the context of the overall shared-governance structure of the University (including the faculties, faculty committees, college councils, and graduate and undergraduate councils).

- Senate officer descriptions are updated and clarified, adding to the leadership list the Senate Policy Liaison position which was established by Policy 1-001 in 2008, and listing the immediate-Past-President in the line of succession to chair meetings if others are not available.
- Electronic communications (email and web-posting) are explicitly authorized as means of disseminating agendas and post-meeting summaries, and elections within the Senate, other than election of the President may be conducted through such electronic means. The existing requirements for such dissemination of materials and for Senate elections were enacted long before the rise of the internet and email.
- Meeting Calendar section formerly named “Information” is renamed as “Information and Recommendations” to emphasize that members are allowed and encouraged to not only ask questions but also offer specific recommendations about items which the Executive Committee has assigned to this section of the Calendar (although such items are not subject to formal approval by the Senate).

4. Preview of upcoming further sets of Regulations revisions included within the overall project.

A. As a reminder, approval of the first-set proposal in spring 2013 included the plan for a subsequent phase proposal to make mostly minor conforming updates to numerous Regulations to complete the **transition from old to new nomenclature for faculty** categories. See a preliminary list of those Regulations presented at the September and October 2013 Senate meetings. See <http://admin.utah.edu/wp-content/uploads/2013/09/20131007Agenda.pdf>.

B. This current proposal includes authorization for the Policy Liaison to make conforming editorial corrections to all other University Regulations in which the now-**changed names of the Senate standing committees** and updating all cross-referenced citations to the four changed Policies (6-002, 6-305, 6-010, 6-011).

C. Approval of this current proposal includes plans to prepare and present for approval proposals of additional sets of Policy changes:

- Revising Policies regarding the Senate and related shared-governance structures, reorganizing for consolidation, eliminating redundancies and contradictions with revised 6-002 in descriptions currently scattered among multiple Policies for odd historical reasons (primarily Policies 6-001, 6-003, 6-300).
- Completing codification of expanded functions of the Senate Faculty Review Standards Committee through changes to Regulations governing faculty reviews (Policies 6-310, 6-303, 2-005).

5. For further information.

These proposed Policy changes were developed by the Senate Executive Committee after consultation with representatives of the current senate standing committees, the office of General Counsel, and the Institutional Policy Committee, and upon approval by the Senior Vice Presidents and Academic Senate will be forwarded to the Board of Trustees for final approval.

Questions about the proposal may be directed to the Senate leadership through the Senate Office, <http://admin.utah.edu/academic-senate>, or to the principal draftsman, Senate Policy Liaison Bob Flores, robert.flores@law.utah.edu.

Proposal for Revision 30 of Policy 6-002. 2012-12-20, for Senate January 6}

{ Drafting note: This Revision 30 is the second phase of major revisions planned over spring 2013 to spring 2014. The first phase, Revision 29 accomplished integrating positions for career-line faculty into the main body of the Senate. This second phase will (i) accomplish integrating career-line faculty into the Senate-elected standing committees, and (ii) accomplish long overdue cleaning up, clarifying, and modernizing of numerous aspects of the Senate committees system and the procedures of the Senate, which have been under examination for such updating and clarifying since an ad hoc committee was charged by the Senate Executive Committee with such a project in 2010. One change that has the appearance of being major but is actually without significant substantive effect is to reduce the excessive length of 6-002 by moving out of it into two other new policies the lengthy descriptions of procedures followed by the Academic Freedom and Faculty Rights Committee and Consolidated Hearing Committee in conducting case investigations, hearings, and resolutions of disputes. Those will go into new Policies 6-010 and 6-011. Another change is to rename all Senate standing committees to incorporate "Senate" into the committee names, and to make various other minor clarifying changes in the descriptions of the committees. Points that may be of particular interest for Senate discussion prior to approval are shown in in highlighted font. }

Policy 6-002: The Academic Senate And Senate Committees: Structure, Functions, Procedures. Revision 2930 Effective Date: May 15, 2014

I. Purpose and Scope.

(Reserved) This Policy (i) establishes the Academic Senate of the University and provides for its membership structure, election of members, election of officers, schedule of meetings and order of Senate business, and authority to promulgate rules of Senate procedures (ii) establishes the Senate Executive Committee and Senate Personnel and Elections Committee and provides for their membership structure, election of members, and functions generally, and (iii) establishes the other standing committees of the Senate and provides for their membership structure, procedures for elections, and committee functions generally.

II. Definitions.

(Reserved)

III. Policy.

A. Establishment and Authority of the Academic Senate.-

SECTION 1. General Provisions

A. Authority of the Senate

1. Establishment. The Academic Senate, hereinafter referred to as the Senate, is hereby established.

2. Authority.

a. General powers. Subject to the authority of the State Board of Regents and Board of Trustees, the Senate shall have power to act for the faculty of the University in general, and act on behalf of the particular constituency groups of faculty, deans, and students eligible to elect the voting members of the Senate pursuant to this Policy, in the areas specified by Policy 6-001, and other applicable provisions of University Regulations and Faculty Regulations. As more fully described in Policy 6-001, and other applicable Regulations, Senate powers include acting on behalf of the faculty and students in all matters of educational policy, receiving reports and making recommendations, being informed of

appointments and resignations of faculty members, responding to requests for advice on matters referred by the University President, and through processes governed by Policy 1-001 participating in adoption and revising of University Regulations.

{Drafting note for Revision 30: The changed phrasing that the Senate acts on behalf of “particular constituency groups” is appropriate to reflect the modern role of the Senate after 1987. The existing version spoke only of power to act “for the faculty”—and that presumably was written to reflect the pre-1987 arrangement in which the Senate actually did represent only the faculty---and had no student members. The change made will reflect the post-1987 arrangement under which the Senate elected membership has been expanded to include students and deans as well as faculty, so that the Senate both (i) acts on behalf of its specific constituent groups which elect Senate members (including deans and students), and (ii) also in general acts for the entire faculty of the University (including those categories of faculty who do not have a right to vote for Senate representatives--- the Adjunct and Visiting faculty). The added sentence summarizing those powers of the Senate which are “more fully described in” Policies 6-001, 1-001 and other Regulations is the first round in a two-round solution to a ‘messy’ problem resulting from the pre-2008 situation, in which there were two separate sets of Regulations within the PPM—one known as “University Regulations” (which the Senate had no explicit role of voting on) and another known as “Faculty Regulations”(which were explicitly to be voted on by the Senate) and each of those sets of Regulations included a Policy describing the structure and the responsibilities & authority of the Senate. There was a 2008 ‘revolution’ of unification--- putting all Policies into a single set of University Regulations, For more background about the pre-2008 chaos and the 2008 ‘revolution’ see the legislative history of Policy 1-001, at http://regulations.utah.edu/general/appendices_1/1-001memo.php . That 2008 unification left as remaining tasks the revising of several Policies to eliminate excessive redundancies and even conflicting treatment of some topics. In particular there is a need to revise Policy 6-001, 6-003 and 6-300 to deal with redundant/ or conflicting treatment of topics addressed by 6-002. In this first part of the solution, some content from 6-001 is being inserted into 6-002. Then in the upcoming second part of the project, 6-001 and the other Policies will be revised to eliminate the redundancies and conflicts and better organize the treatment in Regulations of the Senate and other shared governance structures which interact with the Senate. }

3. The Senate shall have power to make rules governing its own organization and Procedure.

B. Senate Membership.

SECTION 2. Membership

The Senate shall be constituted as follows:

1.A. Ex Officio Members.

The following administrative officers shall be ex officio members of the Senate: (1) The University President, and the senior vice president for academic affairs and the senior 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 III-2-b III-2-B-2 below] not the right to vote.

{Drafting note for Revision 30: The proper name “University” is being changed to be capitalized throughout this Policy, but after this point that change is made but is not marked as a change. Other capitalization corrections/ updates are also not marked, to keep the proposal more easily readable. }

2.B Elected Members.

a.1. Faculty members.

i. Tenure-line faculty members.

A. The voting membership of the Senate shall include tenure-line faculty members [as defined in [Policy 6-300](#)] elected from the following areas of representation: the individual academic colleges, and the University libraries considered as a unit. All tenure-line 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 tenure-line 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.

B. Tenure-line faculty membership in the Senate shall be apportioned by allocating not more than [79] representatives among the seventeen areas of representation (sixteen academic colleges, and the University libraries area *) on a prorated basis of 50 percent according to the number of tenure-line 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 (regardless of whether taught by faculty, of any faculty category, or by non-faculty instructional personnel). The base allocation of not more than [79] tenure-line faculty members shall be adjusted to ensure that each area of representation will have a minimum of two representatives. The [Senate Personnel and Elections Committee] shall reapportion the Senate according to the foregoing formula every two years.

*Representation from the tenure-line faculty of the University libraries will be determined by taking the average number of student credit hours taught within the academic colleges during the preceding academic year (regardless of by whom taught), per tenure-line faculty member, of all other colleges, and multiplying that value by the number of library tenure-line faculty.

C. Areas of representation which, under the foregoing formula, would contribute more than 20 percent of the voting tenure-line faculty membership of the Senate may, with Senate approval, be subdivided by the [Senate 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 tenure-line faculty membership of the Senate. The membership of such subdivided representation areas shall be apportioned by the ~~Personnel and Elections~~ Personnel and Elections Committee among the areas as nearly as possible in accordance with the above prorationing formula.

ii. Career-line faculty members.

A. The voting membership of the Senate shall include career-line faculty members [as defined in [Policy 6-300](#)].

B. There shall be one career-line faculty representative elected from each of the following eighteen areas of representation: the sixteen individual academic colleges, the University libraries considered as a unit, and the Qualified

Interdisciplinary Teaching Programs identified in [Rule 6-310] considered as a unit.

C. All members of the faculty who, continuously for the three years preceding the date their term of Senate membership would begin, have had career-line faculty appointments of at least 75 percent Full-Time-Equivalent (.75 FTE) within a single area of representation, without regard for rank and without regard for category within the career-line categories (Clinical, Lecturer, or Research), shall be eligible for election to membership in the Senate from the areas of representation where they hold such .75 FTE appointments, except ex officio members of the Senate and members of the faculty serving in administrative positions higher than department chair.

D. All members of the faculty who at the time of the election hold career-line faculty appointments of at least 50 percent Full-Time-Equivalent (.5 FTE) within a single area of representation, without regard for rank or for time in rank, and without regard for category within the career-line categories (Clinical, Lecturer, or Research), shall be eligible to vote for career-line candidates for Senate membership in the areas of representation where they hold such .5 FTE appointments.

iii. General provisions for both tenure-line and career-line elected faculty members.

A. Faculty representatives shall be elected to serve regular three-year terms (or as provided in the subsection below regarding vacancies to complete three-year terms of representatives who do not complete their regular terms). 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.

B. Disputes respecting eligibility for election or eligibility to vote shall be decided by the Senate Personnel and Elections Committee, subject to appeal to the Senate.

C. An annual orientation shall be provided for newly elected Senators.

D. 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.

iv. Election of Faculty Members to the Senate—Role of Senate Personnel and Elections Committee.

A. General Provisions.

1. The Senate Personnel and Elections Committee ("Committee") shall supervise elections to the Senate, which shall be conducted during the month of April.

2. 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 area which that person is to represent in the Senate.

B. Election Procedures.

1. Not later than March 1st of each year, the ~~Personnel and Elections~~ Committee will send an announcement to each area represented in the Senate from which at least one faculty representative's term is set to expire, giving notice that elections are to be held in each such area for new representatives to the Senate.

The announcement sent to each area shall describe the applicable eligibility requirements (as specified in this Policy) for both the candidates and the voters for each position for which an election is to be conducted.

2. Subject to approval by the ~~Personnel and Elections~~ Committee, each area represented in the Senate shall develop its own plan for obtaining nominations and for conducting the election of its allotted representatives to the Senate.

3. Not later than April 15 of each year in which it is authorized to elect one or more representatives to the Senate, each area shall forward to the ~~Personnel and Elections~~ Committee a report of the person or persons elected to represent that area. Each 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 Senate.

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

C. Vacancies.

In the event the Senate position of an elected faculty 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 held within that area (or if necessary a special election), when the vacancy shall be filled by election for the unexpired term.

b.2. Deans.

The deans shall elect two deans as voting representatives in the Senate. The voting deans shall be elected to serve regular two-year terms, (or to complete two-year terms of representatives who do not complete their regular terms, elected through the same procedure described in the preceding section for filling vacancies of elected faculty members). 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.

c.3. Students -- representatives of the Associated Students of the University of Utah -- (“ASUU”) [See [Policy 6-401 Students of the University.](#)]

i.a Each academic college shall elect one representative from its members to the ASUU Student Senate. (And for the limited purposes of student representation in the Academic Senate, the “University College” and “Honors College” together shall be considered as an area of representation of students equivalent to an academic college.~~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.

ii.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.

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

3.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 alternate~~ive~~ 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. *{Drafting note: The above revision will make the ‘alternates’ concept applicable to the elected deans, as well as to the faculty and student members. There seems not to be any good reason to treat the elected deans differently, and presumably the existing version not mentioning the deans was merely an oversight error. }*

C. SECTION 3. Senate Officers.

1.A. Presiding Officer.

a. The President of the Senate will be elected annually by the Senate from the tenure-line 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 Senate 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 tenure-line 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 [Section III-D-1-a- Executive Committee, below], but the President shall not, for apportionment purposes, be considered one of the tenure-line faculty members representing the colleges and University libraries.

b. 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 if available (and if not available, then to the immediate past-President) with respect to a specific agenda item. In the absence of the President or President-elect (or immediate past-President), 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. *{Drafting note: the change shown above takes the view that this system for succession of leadership should be expanded so that if the President-elect cannot serve, then it should next go to the immediate Past-President, and only if both of them are unavailable, then go to election of a president pro tempore. This "backup" role for the past-president has been the practice for many years. }*

c. The Senate President shall have a manual on Senate organization, operations, and basic Procedures prepared and distributed to all incoming Senate members.

2.B. Secretary.

The secretary of the faculty [see Policy 6-300-III- Officers of the Faculty] shall be ex officio the secretary of the Senate, but the presiding officer may appoint an assistant secretary at any time.

3.C. Parliamentarian and Liaison to the Institutional Policy Committee.

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, and shall appoint a liaison from the Senate to the University's Institutional Policy Committee to facilitate in promulgation of University Regulations [per Policy 1-001]. If these appointees are not otherwise elected voting members of the Senate during their terms of appointment, then during their appointed terms they shall be ex officio members and shall have full rights of discussion and making motions but not the right to vote. *{Drafting note: In the above passage, the 'new' ex officio position of liaison to the IPC has been implemented in practice since the 2008 enactment of Policy 1-001 which revamped the entire system of University Regulations and established the Institutional Policy Committee. The practice since then has been as is described in this addition--- annual appointment of a Liaison, by the Senate president with the approval of the Senate voters, conducted simultaneously with the annual appointment of the Parliamentarian. And the added explanation about the rights of the two ex officio positions of parliamentarian and liaison will make the Policy consistent with many years of practice. In some years*

the appointees might be elected Senate members, and in other years someone who is not an elected Senate member might be appointed to either/both of the positions. And see below similar clarification of these two roles within the Executive Committee. Note also that although the description here is of two positions—there might arise in some years circumstances which would make it appropriate to have a single person serving in both capacities—and so long as the Senate majority finds that appropriate for a given year, there is nothing in this Policy which would prevent that choice. }

4.D. Faculty Representative to the Board of Trustees.

The President of the Senate will serve as a faculty representative to the Board of Trustees. [See University Policy 2-002, and Board of Regents Policy R223.]

D. SECTION 4. Senate Committees.

1.A. Standing Committees.

a. Establishment of standing committees of the Senate.

~~The President of the Senate, or the President's designee, shall be an ex officio, nonvoting member of all Senate Standing Committees. {Drafting note: this line is moved below to Part III-D-3 and slightly modified as marked there.}~~

i. The Senate shall establish the following standing committees: of the Academic Senate described in this Policy are hereby established, and the membership and functions of each shall be implemented as described here (or as described in the other governing Regulations for each such committee as referenced here).

ii. There are three categories of such standing committees.

A. Standing committees for which the primary responsibilities include managing the internal affairs of the Senate. These are (1) the Senate Executive Committee and (2) the Senate Personnel and Elections Committee. In keeping with the principle that internal affairs of the Senate are to be managed by the Senate members, eligibility for election to serve on these committees is based on status as an elected member of the Senate, as more fully described blow.

B. Standing committees for which the primary responsibilities include investigating, reviewing, or conducting hearings regarding individual case disputes among University personnel. The Senate delegates to these committees certain responsibilities for conducting investigations, informal dispute resolutions, and hearings, as more fully described in the pertinent governing Policies. These are (3) the Senate Committee on Academic Freedom and Faculty Rights, and (4) the Senate Consolidated Hearing Committee. Membership in the Senate is *not* a requirement for faculty members or officers of these committees.

C. Standing committees for which the primary responsibilities include generally advising the Senate and the University administration on matters of significant academic importance. These are (5) the Senate Advisory Committee on

Academic Policy, (6) the Senate Advisory Committee on Salaries and Benefits, (7) The Senate Advisory Committee on Budget and Planning, (8) the Senate Advisory Committee on Library Policy, (9) the Senate Advisory Committee on Diversity, and (10) the Senate Faculty Review Standards Committee. Membership in the Senate is *not* a requirement for faculty members or officers of these committees.

b.4. Senate Executive Committee.

The Academic Senate Executive Committee (“Senate Executive Committee”/ or “Executive Committee”/ “SEC”) is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here.

a.i. Membership and Officers.

{Drafting note: The following passage in [[brackets]] formerly appeared in Policy 6-001. It will be deleted from 6-001, and the important information from it is being incorporated into the marked changes shown below for the revised passage within 6-002. This will solve the problem of having the Committee description spread across two different Policies and somewhat inconsistent.}

~~[[Policy 6-001. 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.]]~~

A. The President of the Senate shall chair the Executive Committee. The membership of the Executive Committee with full voting rights consists of the following voting members of the Senate:

1. ~~ten~~ **tentwelve** persons representing its **(tenure-line or career-line)** faculty and voting dean members (elected annually to serve a one year term on the Committee, must be a voting member of the Senate during the term of service on the Committee, no restriction on re-election for consecutive terms). At least ~~eight of the ten~~ eight of the ten of the twelve 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);

*{Drafting note: the only significant change for this committee is to increase its faculty & dean membership from ten to twelve, and then make it explicit that both tenure-line and **career-line** faculty are eligible (implicitly excluding adjunct and visiting). There is no specific number of seats being reserved for either faculty category--which allows for a possibility that a majority of those elected could be career-line, and also allows for the possibility that in a given year no career-line faculty will be elected to the Committee. There are three practical considerations affecting the likely results in a given election cycle. First, the selection of a slate*

of candidates is largely within the control of the Personnel and Elections Committee, and so the work of the SPEC in recruiting candidates and settling on a slate is particularly important on this issue. See below the membership structure of the SPEC. Second, the current Senate President always plays a central role in the work of the SPEC on such matters—and by Policy the President must always be tenure-line. Third, by Policy tenure-line faculty always make up the great majority of those voting in the election (the current Senate members). Note that there is also no explicit limit on the number of deans elected to the Committee—but by Policy only two deans are Senate full members, so that effectively imposes a limit.}

2. three student members (Consisting of the ASUU president, one graduate and one 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. The student members shall serve one-year terms ~~on the Executive Committee~~ dating from their installation as ASUU officers).

B. The President of the Senate shall serve as chairperson of the Committee (or if not available, second the President-elect, third the immediate Past-President, or fourth the Executive Committee shall elect a president pro tempore as acting chairperson). The chairperson shall have the limited right to vote to prevent an equal division of the Committee, when the vote of the President, acting in the capacity of Chair of the Executive Committee will prevent an equal division of the Committee. *{Drafting note: The only significant change here is expand the description of the succession of leadership so that there is an explicit place for the past-president. That has in fact been the practice for many years, so this change will bring the Policy into consistency with long-standing practice. See the similar issues further above for leadership succession in the meetings of the full Senate. The pro tem concept is merely moved up from below.}*

b. C. The Executive Committee also consists of the following ex officio, non-voting members with full rights of discussion and making motions: the University President, the senior vice president for academic affairs, the senior vice president for health sciences, or their designees; the President-elect; and the immediate past-President of the Senate, and the Senate Parliamentarian and Senate Liaison to the Institutional Policy Committee. ~~These members have full rights of discussion and making motions.~~ *{Drafting note: two significant changes here. For many years now, the practice has been that the Parliamentarian has been seated as an ex officio non-voting member of the Executive Committee-- so this addition marked above would make the Policy consistent with that long-established practice. The same is more recently true of the Liaison to the IPC, beginning when the IPC and the liaison position were established upon enactment of Policy 1-001 in 2008. See the similar issues above, to make these two positions recognized as ex officio in the meetings of the full Senate. }*

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. {Drafting note: the former restriction preventing Executive Committee members from serving also on any other University standing committee, is being eliminated. Any concerns about individuals taking on too many responsibilities are adequately dealt with through the processes of careful consideration when electing or appointing committee members.}~~

~~f. D. The Executive Committee shall ordinarily meet within two weeks after commencing its term and elect a secretary from its elected or ex officio membership. {Drafting note: Two changes in the sentence above. First, recasting the timing of the first summer meeting of the Exec as only "ordinarily" within two weeks, will allow some flexibility for situations in which it is simply impractical (and not important) to meet that soon—so perhaps it will be three weeks. Second, this requirement that the secretary be an "elected" member of the Exec has not in practice been adhered to for several recent years-- rather it has frequently been found most useful to have the President-elect serve as the Secretary, as that is good experience preparing for the Presidency,---which would be OK under this change of allowing either a voting or an ex officio member to serve as secretary.}~~

~~g. E. 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 The Committee shall ordinarily meet approximately two weeks prior to the monthly meetings of the Senate, and the chairperson 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.~~

~~E. A quorum to conduct business shall consist of a majority of the ~~ten elected~~ faculty members twelve voting members representing the faculty and deans. {Drafting note: the above change is needed to correct an existing internal inconsistency within the Policy. Above, the membership is described as including a specified number of "persons representing its faculty and voting dean members"—not just the faculty. So this description here of how a quorum is determined must be made consistent with that. When a dean is elected as a member, that dean is one of the voting members used for the quorum calculation. Note that there is no change proposed on the point that student members are not considered for purposes of a quorum—a longstanding principle because experience has shown that student attendance is simply too spotty—especially in crucial summer sessions when the Committee must often act on behalf of the full Senate on urgent serious matters.}~~

ii. Functions. It shall be the duty of the Executive Committee to:

a.i. Prepare the Senate agenda, assigning non-controversial items to the consent calendar, and assigning other items to the information calendar, intent calendar, or debate calendar, as appropriate in accord with [Sections III-F, G, H below], and in accord with specific provisions of other relevant Policies (including the requirements of Policy 1-001-III-A-4 for proposed changes of University Regulations); set time limits for debate; and make such procedural stipulations of other sorts (nonbinding) as may be necessary.

b.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.

c.iii. Study the actions of committees and college ~~or area~~ councils and the Graduate and Undergraduate Councils [See Policy 6-001] (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. *{Drafting note: the above change will merely replace the imprecise term "area councils" that was used in an earlier era, with the term used and better understood currently—specifying the Grad and Undergrad Councils.}*

d.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.

e.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.

f.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.

g.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.

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

i. ~~[[The Executive Committee is empowered to r~~Receive confidential committee reports indicating a serious concern about the systemic operation of a program, department or college or other academic unit, 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 an academic unit ~~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. [See Policy 6-010 (SCAFFR), Policy 6-011 (SCHC).]] {Drafting note: *the above passage in [[brackets]] is taken from Policy 6-001 to insert here in 6-002, and modified as marked.*}

j. Carry out such functions as are described in various University Regulations from time to time enacted, including but not limited to the following matters (listed here for convenience—and the Senate President, after notifying the Executive Committee, is hereby authorized to update this list as an editorial correction, consistent with approved Regulations changes.):

- Nomination of candidates for election to membership on the Senate Advisory Committee on Budget and Planning (see Section III-D-1-h below).
- Approval of staff members as members of the Senate Advisory Committee on Diversity (Section III-D-1-j).
- Regarding membership of the Senate Consolidated Hearing Committee (Section III-D-1-e), (i) in consultation with the administration select a slate of faculty candidates for election to the SCHC pool, drawn from a list of nominees developed by the Personnel and Elections Committee, and (ii) provide consultation to the Senate President to develop a list to submit for Senate confirmation, of five elected CHC pool members prepared to serve as SCHC panel chairpersons.
- Approval of nominations of career-line members for the Senate Faculty Review Standards Committee (Section III-D-1-k)
- Election of faculty members of the Background Review Committee for background checks of academic personnel (Policy 5-130 and Rule 5-130A).
- Selection of a Senate representative to the University Internal Commercialization Coordinating Council.
- Review of all actions taken by any college council, including final approval of contents of the charters of each academic college council (Policy 6-003-III-Sec. 2).
- Receipt and forwarding to the Senate of reports from University administrators, or University committees or councils which are not committees of the Senate but are directed to report to the Senate, such as: annual report of the administration regarding faculty make-up (Policy 6-300-III-F); report of the Student Course Feedback Oversight Committee (Policy 6-100-III-N).

~~j.i.x.~~ 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.

{Drafting note: the following description of the Personnel & Elections Committee is moved to this location so that it is located adjacent to the Exec Committee, because these two stand alone as a particular category—with their two defining characteristics—charged with managing internal affairs of the Senate, and composed of elected members of the Senate. }

c. Senate Personnel and Elections Committee.

The Senate Personnel and Elections Committee (“SPEC”) is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here.

i. Membership and Leadership.

a.A. The Personnel and Elections Committee membership of the Committee with full voting rights consists of twenty-eight persons elected from the voting members of by the Senate from its members. Eighteen shall be faculty members elected by the Senate, and shall include one tenure-line or career-line faculty representative from each of the eighteen Senate areas of representation (sixteen academic colleges, the University Libraries, and the Qualified Interdisciplinary Teaching Programs). The number of career-line faculty members shall not exceed the number of tenure-line faculty members and two students. Faculty members shall be elected for three-year terms and each. 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. There shall be two student members, and each shall serve a one year term, be a voting member of the Senate during that term, and be elected to the Committee in accordance with procedures established by the ASUU.

As with Senate standing committees generally, the President of the Senate, or the President's designee, shall be an ex officio, nonvoting member, and elections of faculty members, and appointment and confirmation of the Committee officers, shall proceed as described in [Parts III-d-3 and III-F], provided however that tThe President of the Senate, may serve as Committee chairperson or co-chairperson, if so appointed by the immediate-past President and confirmed by the Committee and the Senate Executive Committee, at the election of the committee, as its chair.

{Drafting note: the significant changes are to increase voting membership from 18 to 20, make it explicit that career-line are eligible but not reserve any specified number of seats for either category, and then expressly require that the majority will always be tenure-line. The expansion is motivated both by creation of the new Dentistry college and the integration of career-line Senate representation. In practice, the career-line Senate representative of the Interdisciplinary Programs will always be included in the 18 faculty because that area has no tenure-line faculty, and then the other 17 areas might in a given year have either a tenure-line or career-line representative. The SPEC and Senate presidents will have to work out a practical system for applying the requirement of majority membership of tenure-line as the annual elections are occurring. The longstanding concept of allowing the Senate President to serve as committee chair is retained—but that has not actually

been done for many years and is unlikely to ever occur again given the other very extensive demands on the presidency in modern times.)

ii. Functions. (A). ~~b~~ This committee shall make nominations for elections of members of standing committees of the Senate and ~~for~~ all other Senate committees, (except as otherwise provided for a specified committee, including the Senate Advisory Committee on Budget and Planning per Section III-D-1-h below), and if the Senate is authorized by any University Regulation, or requested by a University administrator, to make nominations or recommendations of members for a committee to be appointed by the University administration, the Personnel and Elections Committee shall prepare the list of nominees (See Policy 6-001-III-University Committees). (B). It will review Senate standing committees and 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. (C). The Committee shall review any new University-wide standing committee charters or changes to ~~University standing committees~~ such charters. (D). In alternate years, it will apportion Senate membership according to ~~[Part III-B Section 2-B.1.b.~~ of this Policy]. (E). The Committee will also review the necessity of retaining existing Senate and University committees, recommending to the Senate or appropriate administrative officers any possible excisions. (F). It shall pursue an affirmative action program to secure significant representation of women, minorities, and nontenured faculty members ~~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.

(G). Among the particular duties of the Committee with regard to University committees as established by specific Regulations are the following (listed here for convenience—and the Senate President, after notifying the Executive Committee, is hereby authorized to update this list as an editorial correction, consistent with approved Regulations changes.)

- Appointment of alternate faculty members for vacancies on the University Promotion and Tenure Advisory Committee (Policy 6-304).
- Appointment of faculty members on the Student Course Feedback Oversight Committee (Policy 6-100-III-N).

d.2. Senate Committee on Academic Freedom and Faculty Rights. ~~Committee~~

The Senate Committee on Academic Freedom and Faculty Rights (“SCAFFR”) is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: this committee was formerly known as

the Academic Freedom and Faculty Rights Committee--AFFRC (2006-2014), and earlier as the Academic Freedom and Tenure Committee--AFTC (before May 2006).]

i. Membership and Officers.

a. The Academic Freedom and Faculty Rights membership of the Committee with full voting rights consists of twelve members elected by the Senate from the University tenure-line and career-line faculty members other than ex officio members of the Senate. As with Senate standing committees generally, the terms of voting faculty members are three years and staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F].

See a special provision in Policy 6-010 that student representatives may be asked to serve with the Committee to consider a particular matter addressing substantial issues that involve students.

ii. Functions.

~~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.~~

The functions of this committee, and procedures followed in its investigations and informal dispute resolutions, are as described in [Policy 6-010].

{Drafting note: the description of functions of this committee, formerly given in two widely separated sections of this Policy 6-002, one of them quite lengthy, is to be moved entirely to a separate new Regulation, to reduce the overly lengthy 6-002 to more manageable length, and allow a better-structured description of the committee's functions in a dedicated separate Regulation. A similar approach is taken for the Consolidated Hearing Committee. These are the two committees that have very special functions of investigating individual cases for resolving disputes, and those special functions require very lengthy descriptions of the committee responsibilities and the procedures applicable in their investigations and hearings. }

e.5. Senate Consolidated Hearing Committee.

The Senate Consolidated Hearing Committee ("SCHC") is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: prior to 2014 this committee was known as the Consolidated Hearing Committee on Faculty Disputes—CHC, and certain of its functions were prior to 2004 conducted by the predecessor Faculty Hearing Committee—FHC.]

i. Membership and officers (pool and panels). Section 10-H. CHC Membership Composition and Selection

A4. The Senate Consolidated Hearing Committee shall consist of a pool, from which members may be drawn to serve on panels in specific cases as the

need arises. The pool shall consist of at least 30 faculty members, **tenure-line and career-line**. At least 5 members of the pool shall be faculty members 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. The pool shall include a sufficient number of tenured members to serve on SCHC panels in cases for which tenure is a requirement, as described in [Policy 6-011].

First, ~~the~~ These faculty members will be nominated by the Senate Personnel and Elections Committee of the Academic Senate. Second, ~~t~~ The Senate Executive Committee of the Senate will review the nominees and in consultation with the University administration will provide from that list a slate to the Senate which shall consist of more nominees than available positions. Third, ~~t~~ The Senate will select by vote sufficient members to fill the pool. SCHC pool members will normally be ~~appointed~~ elected 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.

B2. The Academic Senate President in consultation with the Senate Executive Committee and the University administration shall identify at least 5 ~~chairpersons~~ from the elected SCHC pool to be available to serve as chairpersons of panels. The chairpersons shall be individuals who will agree to undergo significant training in preparation for chairing the SCHC panels. Their appointment to the position (but not to a specific panel) shall require confirmation by the Academic Senate.

*{Drafting note: the above description of membership of the pool previously appeared at the end of the lengthy Policy in Section 10-H, and for Revision 30 is moved here for better structure, and then edited in minor ways as marked, with no substantive changes intended. The new passage regarding 'tenured' status is added only for convenience to make readers aware of an existing special provision appearing in the SCHC Procedures description which is being moved into Policy 6-011 (but not substantively changed) which requires that panelists selected from the pool for certain kinds of cases involving tenure/RPT appeals be tenured faculty. The existing membership eligibility description for the overall CHC pool **has previously implicitly allowed for both career-line and tenure-line members, and the only change here is to make it explicit that both categories will remain eligible** for membership after this Revision 30.}*

ii. Functions. See [Policy 6-011] for the governing description of the functions and procedures of the SCHC, including the process by which members from the pool are selected for the panel in a particular case. Section 10 of this policy for full description of this committee.

f.3. Senate Advisory Committee on Academic Policy. ~~Advisory Committee~~

The Senate Advisory Committee on Academic Policy ("SACAP") is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: prior to 2014 this committee was known as the

Academic Policy Advisory Committee--APAC.1

i.a. Membership and officers.

The membership of the Academic Policy Advisory Committee with full voting rights consists of nine tenure-line or career-line ~~eight~~ faculty members and three students. As with Senate standing committees generally, the terms of voting faculty members are three years and staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F]. Faculty members shall be elected by the Senate for ~~three~~two-year terms, with ~~three~~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.

{Drafting note: the only significant changes are to increase the faculty membership from 8 to 9 (partly to accommodate more fully integrating career-line and partly to have balanced staggering of terms), make explicit what was previously only implied that career-line are eligible (along with tenure-line with no reserved seats for either category—and adjunct and visiting are not eligible), and increase the length of faculty member terms from two years to the three years which is typical of the other standing committees and gives the benefit of developing expertise, especially for the chairperson.}

ii.b. Functions.

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. The Senate Executive Committee, or the Senate, may refer to this committee any question or consideration of any proposal regarding academic policy which is not otherwise assigned to another committee of the Senate, or which may be benefit from study by this committee as well as another committee. At least once each academic year, the Committee shall submit a written report of its studies and recommendations, if any, to the Senate.

g.4. Senate Advisory Committee on Salaries and Benefits. ~~Annuities and Salaries Committee~~

The Senate Advisory Committee on Salaries and Benefits (“SACSB”) is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. *[User note: this committee was formerly known as the Annuities and Salaries Committee--ASC.]*

i.a Membership and officers. The membership of the Annuities and Salaries Committee with full voting rights consists of six tenure-line or career-line faculty

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 who~~ shall represent the University faculty as a whole and not any particular area or college. As with Senate standing committees generally, the terms of voting faculty members are three years and staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F]. ~~The Director of~~ Chief Human Resources Officer (or equivalent officer or designee) shall also be an ex officio nonvoting member of the Committee.

{Drafting note: The only significant change is to remove the former restriction of eligibility to "regular" faculty only and explicitly make both career-line and tenure-line eligible. The title of the ex officio officer from Human Resources is changed to reflect a recent change in practice (and flexibility is built in to accommodate future such changes of title). On the committee's recommendation a name change from "Annuities & Salaries" to "Salaries & Benefits" was approved in principle by the Senate Executive Committee in summer 2013, but the formal change of name within Policy was held over to be included as part of this comprehensive revising of Policy 6-002 with overall renaming of Senate committees.}

ii.b. Functions.

The ~~Annuities and Salaries~~ Committee shall function in a research and advisory capacity and shall report to the Senate at least annually regarding its activities, 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 benefits~~ and salaries and benefits and report the advice they gave to the next regular meeting of the Senate. The Senate Executive Committee, or the Senate, may refer to this committee any question or consideration of any proposal regarding the topics listed above which is not otherwise assigned to another committee of the Senate.

~~5. Consolidated Hearing Committee~~

~~See Section 10 of this policy for full description of this committee.~~

h.6. Senate Advisory Committee on Faculty Budget and Planning. ~~Advisory Committee~~

The Senate Advisory Committee on Budget and Planning ("SACBP") is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: this committee was formerly known as the Faculty Budget and Planning Advisory Committee--FBPAC.]

i.a. Membership and officers.

The ~~Faculty Budget and Planning Advisory~~ membership of the Committee with full voting rights consists of eight tenure-line or career-line faculty ~~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 who shall represent the University faculty as a whole and not any particular area or college. N, and not more than two committee members may be from the same area or college. The terms of voting members are *four years* (rather than the typical three), and as with Senate standing committees generally, the terms are staggered so that an approximately equal number (two) are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F], with the exception that nominations for members to stand for election to this committee (except nominations made from the floor during a meeting of the Senate) shall originate from the Senate Executive Committee rather than the Personnel and Elections Committee.~~

~~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.~~

{Drafting note: The only significant change is to remove the former restriction of eligibility to “regular” faculty only and explicitly make both career-line and tenure-line eligible. No specific number of seats is reserved for either category. The existing unusual term length of four years, and the unusual assigning of the membership nomination duty to the Executive rather than Personnel and Elections are unchanged.}

ii.e. Functions.

~~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 or area, 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](#) (Terminations and Program Discontinuance--Declaration of Financial Exigency), ~~University Regulations, Section 5.~~~~

i.7. Senate Advisory Committee on Library Policy. ~~Advisory Committee~~

The Senate Advisory Committee on Library Policy (“SACL P”) is hereby

established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: this committee was formerly known as the Library Policy Advisory Committee--LPAC.]

i.a Membership and officers.

The membership of the Committee with full voting rights consists of twenty four persons. Eighteen shall be tenure-line or career-line faculty members, with one representative from each of the eighteen Senate areas of representation (sixteen academic colleges, the University Libraries, and the Qualified Interdisciplinary Teaching Programs). Six shall be students (including at least one graduate student) selected by ASUU, serving one-year terms. As with Senate standing committees generally, the terms of voting faculty members are three years and staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F]. 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.

{Drafting note: The only significant changes are to make it explicit that career-line as well as tenure-line faculty are eligible (previously only implicit), and to add the Interdisciplinary Teaching Programs as a represented area (which will always result in a career-line representative because that area has no tenure-line faculty). The other 17 areas might end up with either a tenure-line or career-line representative in any given election cycle. No specific number of seats is reserved for either faculty category. As a practical matter the Senate Personnel & Elections Committee and contact persons within each representation area will have significant influence on determining the mix in the slate for each election. The unusually large number of students (six) is unchanged.}

ii.b. Functions.

The Library Policy Advisory Committee confers with and from a broad, university-wide perspective advises directors of the Marriott Library, the Eccles Health Sciences Library, and the S.J. Quinney Law Library concerning library policies and practices including matters of operational policies, the development of existing holdings, and the expansion of existing facilities. It provides liaison between the libraries and the faculty and student body. It shall also bring before the Academic Senate matters affecting library needs, policy and administration that it deems appropriate for consideration by that body. The Library Policy Advisory Committee reports to the Academic Senate and the cognizant senior vice presidents. The Committee shall report to the Senate at least annually regarding its activities.

{Drafting note: the following passage is taken from Policy 6-001 and its contents are inserted in this Policy 6-002 by integrating those contents into the passage immediately above.}

~~LPAC shall be appointed in accordance with the Procedures governing other standing committees of the university. Its members shall include a representative from each academic college and shall include study body representatives. The principal function of this committee shall be to advise the directors of the Marriott Library, the Eccles Health Sciences Library, and the S.J. Quinney Law Library on matters of operational policies, the development of existing holdings, and the expansion of existing facilities from a broad, university-wide perspective. It shall also bring before the Academic Senate matters affecting library needs, policy and administration that it deems appropriate for consideration by that body. The directors of each of the three university libraries shall be ex officio, non-voting members of LPAC.~~

{Drafting note: the subsequent section, with description of the Personnel & Elections Committee is moved up to be immediately following the Executive Committee.}

~~§ Personnel and Elections Committee * * *~~

i.9. Senate Advisory Committee on Diversity Committee

The Senate Advisory Committee on Diversity (“SACD”) is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. [User note: this committee was formerly known as the University Diversity Committee—UDC(1998-2014, became a Senate-elected Senate standing committee in 2003), and earlier known as the Faculty Affirmative Action Committee—FAAC (pre-1998).]

i.a Membership and officers.

The membership of the Committee with full voting rights consists of *eighteen* persons. *Twelve* shall be faculty members (*six tenure-line and six career-line*). *Three* shall be staff members serving three year terms (approved by the Senate Executive Committee after nomination by the University of Utah Staff Council-UUSC---see [Policy 5-003](#)). *Three* shall be students serving one year terms (selected by ASUU). As with Senate standing committees generally, the terms of voting faculty members are three years and staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F], except that terms of all members shall begin August 1 (rather than June 16).

Holders of the following positions (or equivalents) shall also be ex officio non-voting members: ~~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: Academic Senate Past-president, Associate VP for Equity and Diversity, Associate VP for Diversity for Health Sciences, UUSAC Chairperson, ASUU President, Director of Equal Opportunity and Affirmative Action, Director of LGBT Resource Center, Assistant VP for Human Resources, and two representatives from the community. [To ensure regular cross-~~

communication between the Committee and the University's Presidential Commission on the Status of Women, the Commission shall be invited to annually designate one of its members to serve as a non-voting ex officio member of the Committee representing the Commission (unless the Commission determines that adequate representation is already provided by a current voting or ex officio member of the Committee). ~~11 The Chair of the University Diversity Committee will be invited to serve by the Senate President, with installation (vote) by the committee each year.~~

{Drafting note: The only significant changes are to make career-line faculty eligible (previously explicitly limited to "regular), increase faculty from 10 to 12, and reserve six of the twelve faculty positions for career-line faculty (and six for regular). Some new ex officio positions are added, including an invited position for a representative from the Presidential Commission on the Status of Women.}

ii. b. Charge Functions.

~~The~~ is Committee shall provide leadership and expertise to the University of Utah community in promoting diversity in their various roles and activities and; 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.

iii. e. Budget. An annual budget for the Committee will be offered by the President and administered by the Office of the Associate Vice President for Equity and Diversity.

k. 10. Senate Faculty Review University RPT Standards Committee

The Senate Faculty Review Standards Committee ("SFRSC") is hereby established as a standing committee of the Academic Senate. The provisions described in [Parts III-d-3 and III-F] of this Policy as generally applicable for standing committees of the Senate apply for this Committee, except as otherwise specifically described here. *[User note: this committee was formerly known as the University RPT Standards Committee--URPTSC (2004-2014), and earlier as the University RPT Standards and Appeals Committee--URPTSAC (pre-2004)]*

i. a. Membership and officers.

A. The membership of the Committee with full voting rights consists of twenty three faculty members, including seventeen tenured (one from each of the sixteen academic colleges and the University Libraries), and six career-line (selected as described below). The terms of all voting members are four years (rather than the

typical three), and any individual who has served two consecutive terms will not be eligible for nomination for another term until an interval of one year has passed following the completion of the second term. As with Senate standing committees generally, the terms are staggered so that an approximately equal number are elected each year, the Senate President or designee is an ex officio nonvoting member, and elections of faculty members and appointment and confirmation of Committee officers proceed as described in [Parts III-d-3 and III-F], except that the Senate Executive Committee shall approve nominations of the career-line faculty members (as described below), and the single chairperson (or at least one of two co-chairpersons if leadership is so structured in a given year) shall be a tenured member.

B. For the career-line members: the allocation of members for a given period should be made as will best achieve appropriate representation of University areas with significant numbers of such faculty and provide perspectives from the three career-line sub-categories (Clinical, Lecturer, Research), and consistent with the anticipated work of the Committee, generally including among the total of six at least two from the academic colleges within health sciences, and at least two from the other areas of Senate representation (other academic colleges, the libraries, and the qualified interdisciplinary teaching programs). The nominations (other than nominations made from the floor at a Senate meeting), after having been prepared by the Personnel and Elections Committee shall be approved by the Senate Executive Committee prior to the election within the Senate.

C. As recommended by the Committee and with the approval of the Senate Executive Committee, for any given year the members may be organized into subcommittees, e.g., for purposes of those work projects related to tenure-line faculty and those related to career-line faculty and non-faculty academic personnel.

D. The Associate Vice President for Faculty, or designee, shall also be a non-voting ex officio member of the Committee and any subcommittees.

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.~~

{Drafting note: Multiple significant changes for this committee structure, driven by the major expansion of its functions to deal not only with RPT reviews but also tenured faculty reviews, and reviews and reappointments-promotions of career-line faculty and non-faculty instructional personnel. This revision of 6-002 is the first of a two-part project to accomplish that expansion of functions. Later in Spring 2014 a proposal will be presented for revising the three policies (2-005, 6-310, and 6-303) which govern these three systems of review, as the second part to complete the project of creating for the Committee a new kind of role within these three systems (as well as completing the change of nomenclature for categories of faculty).

(i) Membership expanded by adding a set of 6 career-line faculty members. The size of six is chosen as a balance of competing interests. Having 18 (one from each area of Senate representation, similar to the structure for the tenure-line) would be massively unwieldy and inappropriate for those areas such as small colleges that have only a handful of career-line faculty. Fewer than six would likely leave out some important perspectives, given the great diversity of situations of career-line faculty across the 18 areas of Senate representation and among the three separate subcategories of Clinical, Lecturer, and Research faculty).

(ii) To allow flexibility for timely circumstance-based tailoring of the allocation of career-line faculty among areas of representation, the Policy provides only general guidance of how to allocate at the time of each election. The importance of providing representation of the health sciences colleges (especially Medicine with its massive number of Clinical faculty—vastly larger than other colleges) is recognized by “generally” but not mandatorily including at least two of the six.

(iii) Nominations of career-line must be specially approved by the Executive Committee (similar to CHC, and Budget & Planning nominations)—to help assure the distribution of the six is done well at each election cycle, to serve the principle of having effective representation of the multiple perspectives.

(iv) Structuring into subcommittees is explicitly allowed but not mandated—and in a given year can be done by choice of the committee leadership and members with express approval of the Executive Committee. It is contemplated that at least one subcommittee will be established to focus on the new responsibility of career-line review standards (as was briefly successfully experimented with in 2009). It may also be found appropriate to have a subcommittee composed exclusively or predominantly of tenured faculty to vote on final approval for RPT and TFR projects—rather than having the career-line faculty voting on matters they likely have never had direct experience with in their home units. Flexibility is needed to allow tailoring of the structures based on experience over the coming years (without needing a revision of this Policy). Requiring that any such structuring of subcommittees be approved by the Executive Committee is appropriate because the Senate essentially is delegating to this committee great responsibility—it acts as “agent” of the Senate exercising the Senate’s entire authority to give final approval of unit-level faculty review standards and procedures, and ensure that the unit-level review systems are consistent with the Senate-approved University-wide policies.

(v) Membership terms changed from former rule of three year terms and prohibition on serving more than one term consecutively, to now having **four year terms** (same as Budget and Planning Committee) and **allowing two consecutive terms** before requiring a break. This will solve a longstanding problem that the work of this committee requires significant expertise that only comes with at least two years of experience, and the former system of limiting members to a single three year term resulted in the members struggling to be effective and therefore having to rely extremely heavily on the expertise of the ex officio officer. Past members have reported that they felt ill-prepared to do the work until near the end of their 3-year term, and have expressed willingness to return for a second term—if that had not been prohibited by this existing Regulation. Also note the example of UPTAC which has some similar subject matter and circumstances—and by Policy 6-304 members of UPTAC are expressly allowed to be elected to serve multiple consecutive 3-year terms without any restriction, and that is frequently done in practice. Here a compromise of four year terms and allowing two consecutive terms will allow for developing the needed expertise, but also ensure some turnover and ‘fresh input’.

(iv) Make it explicit that chairperson must be tenured if there is a single chairperson, and or at least one co-chair must be tenured if choice is made in a given year to have co-chairpersons (which is being made explicitly allowable for the standing committees other than the Exec Committee—and has been done in practice for this committee for the past few years). This reserving of the chair spot

for a tenured member is essentially what has been the rule in the past (because all members were tenured) and now that career-line members are being added having this eligibility requirement will ensure that the chair will be sufficiently knowledgeable about the primary work on RPT and TFR projects, and will be able to be effective in sometimes difficult interactions the committee chair must have with deans and department chairs and departmental RPT committee chairs regarding this committees role (as 'delegated agent of the Senate') of granting of approval of the contents of departmental RPT Statements . }

ii. Functions and procedures. C. Duties. See University [Policy 6-305](#) (Duties of ~~University Retention, Promotion and Tenure Standards Committee~~).

{Drafting note: The following description of Standards Committee functions will be moved to here in Policy 6-002 from its former location in Policy 6-305, and then modified as marked. Policy 6-305 will then be removed from University Regulations. This change is made to minimize confusion from having descriptions of this Committee spread across multiple Policies.}

The Committee generally advises the Senate and University administration regarding Regulations and practices for regular periodic reviews of members of the University faculty (and also non-faculty instructional personnel teaching credit-bearing courses, see Policy 6-310). And, acting on behalf of the Senate with authority hereby delegated to it, the Committee has the following specific functions for review and approval of the Statements describing and governing the University's systems for reviews of individual faculty (and such non-faculty instructional personnel).

a. RPT Statements. ~~The University Retention, Promotion and Tenure Standards Committee~~ shall develop and implement procedures with which it will review and approve the Statements of Retention, Promotion and Tenure criteria, standards, and procedures applicable for members of the regular-tenure-line faculty of each department or college academic unit as required by University [Policy 6-303](#). Such reviews should be conducted with due concern to the unique characteristics or requirements of the discipline and with the objective of improving the stature of the University by ensuring that such criteria and standards are consistent with the University's commitment to academic excellence. Such reviews will be conducted in conjunction with the faculty and administrators of the ~~department/college~~academic unit being reviewed. The Statement of any academic unit ~~Any department or college~~ may be reviewed at the initiative of the Committee or on a regular schedule which the Committee may establish in consultation with the cognizant senior vice president. Requests for reviews other than on such regular schedule may be made to the Committee by the cognizant senior vice president, the University Promotion and Tenure Advisory Committee (see [Policy 6-304-III-E](#)), or the Graduate Council (pursuant to regular evaluations of academic units per [[Policy 6-001](#)]), as well as by deans, department chairpersons, or individual regular-tenure-line faculty members. The Committee shall use its judgment and discretion in formulating responses to such requests. The Committee shall annually report on its reviews to the ~~Academic~~ Senate and to the University Promotion and Tenure Advisory Committee.

b. Tenured Faculty Review Statements. The Committee shall review and approve the Statement of Tenured Faculty Review procedures applicable for the tenured faculty members of each academic unit as required by [Policy 2-005].

c. Statements for Review of Career-Line and Adjunct Faculty, and Non-Faculty Instructional Personnel. The Committee shall review and approve the Statement of Review, Reappointment and Promotion Criteria, Standards, and Procedures applicable for members of the career-line faculty, adjunct faculty and non-faculty instructional personnel of each academic unit as required by [Policy 6-310].

d. The Committee is also an appropriate forum for reviewing any proposed changes to University ~~policy~~ Regulations relating to the above specific functions of the Committee, including any with respect to retention, promotion, or tenure.

2.B. Other Committees Established by the Senate.

a.1. University-wide Other Standing Committees

The Senate may by ordinary vote create a new standing committee of the Senate, provided that within one year of such establishment by vote, the committee shall be fully established by an approved revision of this Policy incorporating a description of the membership structure and functions of such additional standing committee. Official standing committee charters will be kept in the Academic Senate Office.

{Drafting note: Removed from 6-002 [and to another appropriate Policy] is the provision which provided: "Other Committees. University-wide Standing Committees. Official standing committee charters will be kept in the Academic Senate Office." This removal is appropriate because 6-002 should be limited to governing only the Senate-elected committees. Governance of other "University committees" is better dealt with in the other applicable Policies, including 6-001.}

b.2. Special Committees

The Senate shall have the power to provide for the appointment or election of such ~~other special~~ committees as in its discretion may be needed to serve the best interests of the University. (As described above, the Senate Executive Committee has the power to recommend to the Senate the establishment of such a special committee). The membership structure and terms, functions, and period of existence for each such special committee shall be as described in the proposal for establishment of the committee as approved by the Senate, and in the special charge issued to the committee. ~~Each such committee shall elect its own chair and secretary from its elected or appointed members.~~ *{Drafting note: this unusual provision for selecting a committee leadership is deleted so that instead the selection will be governed by the normal provision below applicable to all Senate committees- that the leadership is appointed by the Senate President and ratified by the Exec Committee and then the special committee members, unless the Senate specifically provides for a different method when it establishes the committee.}*

c.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.

3.C. General Provisions for Committees of the Senate. Procedures and Privileges

a. Membership Elections, Terms of Office, Quorum

i. Elections of faculty members to Senate standing committees (and filling of vacancies) are conducted as described below [Part III-E-Elections Within the Senate].

ii. Except as otherwise specified above or in another governing Regulation for a particular committee, the terms of office membership for faculty members elected to standing committees of the Senate, and for members of all other special committees of the 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 membership of a faculty member of such a Senate committee shall be three years, terms shall be staggered such that an approximately equal number of faculty members are elected each year, and there is no general restriction on serving multiple consecutive terms.

{Drafting note: this provision is moved here from previous location and modified as marked.}

1. Notice of Committee Membership

iii. The secretary of the Senate shall notify faculty members who are appointed or 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.

iv. A quorum for any committee shall consist of a majority of the voting members (unless otherwise provided, as for the Senate Executive Committee and Senate Consolidated Hearing Committee).

b.2. Election of Committee Officers, Appointment and Confirmation

i. For each standing committee of the Senate, unless otherwise specified in another governing Regulation (and except for the Executive Committee, and Consolidated Hearing Committee, as described above), the committee officers, selected from the elected faculty members of the committee, shall be appointed and confirmed as follows. There shall be a committee chairperson. Also, if appropriate based on current circumstances, as annually determined by the Academic Senate President and ratified by the Senate Executive Committee, there shall be either a co-chairperson or a vice-chairperson. The Academic Senate President annually appoints the Senate-elected committee chairs/officers with ratification by the Senate Executive Committee, and then subject to confirmation of the Senate-elected committee's voting membership. There is no general restriction on any officer being reappointed to multiple consecutive annual terms.

{Drafting note: the above modifications are intended to provide much-needed greater flexibility for appointing committee officers who are willing and able to take on the sometimes very demanding responsibilities of such offices, by allowing for sharing of responsibilities among co- or vice-chairs, having new members train for the role by serving a year sharing responsibility with a more veteran member as chair, and having officers reappointed annually for multiple years to be able to follow through on long-term projects as needed. Any concerns about undue concentration of power in a single individual are avoided by the requirements that reappointment in each case must be considered annually and agreed to by the Senate President, the Executive Committee, and the members of the standing committee.}

ii. For each *special* committee of the Senate, the above-described process shall also apply, unless otherwise provided for in the charge approved upon establishment of the special committee.

iii. The chairperson of any standing or special committee may at any time appoint a member or other person to act as *secretary* for the committee.

c. Senate President as ex officio member.

The President of the Senate, or the President's designee, shall be an ex officio, nonvoting member of all Senate Standing Committees (and also of each *special* committee of the Senate unless otherwise provided for in the charge approved upon establishment of the special committee). *{Drafting note: this provision is moved here from its previous location, and then modified as marked.}*

d.3. Privileges of the Senate Floor.

For any standing or special committee of the Senate established under this Policy 6-002 (and also for any other University committee which has been scheduled to present a report to the Senate), cCommittee members, whether voting or nonvoting ex officio, 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.

e.4. Access to Records.

All standing and special Senate committees established pursuant to this Policy 6-002 shall have full access to the minutes of the Board of Trustees and to the books of the secretary of the Trustees. [See [Policy 2-002](#), and the [Bylaws of the Board of Trustees](#)].

f.5. Committee General Charters, Special Charges, and Reports.

i. For each standing committee of the Senate, a permanent general charter, updated consistent with the provisions of this Policy and any other governing Regulation, shall be approved by the Senate Executive Committee, kept in the Academic Senate Office, and made available to all committee members. In addition, any special task assigned to a standing committee during a particular time period shall be described in a special charge delivered to the committee's officer(s).

ii. Each standing committee of the Senate shall report to the Senate, and unless otherwise provided shall at least annually submit for the information of the Senate a report of recent activities (except that reports of a confidential nature, including activities of the Consolidated Hearing Committee as described in Policy 6-011, shall be directed only to the Senate Executive Committee).

iii. For each *special* committee of the Senate, a committee description and special charge approved by the Senate Executive Committee shall be kept in the Academic Senate Office, delivered to the committee's officer(s) and made

available to all committee members. The special committee shall submit a report of such type and at such time as provided for in the charge.

iv. Committee reports ordinarily shall be presented on the Senate Information and Recommendations Calendar. If any report from any standing or special committee of the Senate includes a specific proposal for action to be taken by the Senate, the Executive Committee, upon determining that the proposal is ready for the consideration of the Senate, shall place that proposal on the Senate Debate Calendar. No committee report will be cleared by the Executive Committee for debate by the Senate which does not contain a specific proposal-statement.

D. 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. *{Drafting note: this provision is moved to above and modified as marked there.}*

E. SECTION 5. Elections Within the Senate. *{Drafting note for Revision 30. This heading shall be renamed as "Elections within the Senate". The first subsection regarding election of faculty members to the Senate will be deleted, because the contents of that subsection were moved from here up to an earlier subsection as part of the Revision 29 spring 2013 phase of this project.}*

A. Election of Faculty Members to the Senate. [User note: In Revision 29 the description of procedures for elections of faculty members to the Senate has been moved up to be located immediately following the closely related topic of the description of eligibility requirements for the elected faculty members. A further comprehensive reorganizing of the entire Policy is underway during 2013-2014.]

{Drafting note for Revision 29: The remaining portions of this Section 5 regarding Elections, within the Senate (i.e., elections of Senate committees, and the Senate officers), and all of the contents of Sections 6, 7, & describing Senate meetings procedures, and all of the contents of Section 10 describing hearing procedures of the Consolidated Hearing Committee, and all of contents of Section 11 describing committee structure and investigation procedures of the Academic Freedom and Faculty Rights Committee — are not shown here due to their extreme length (22 single-space pages) and that in this Revision 29 no changes are proposed to them. It is anticipated that these sections will be proposed for significant reorganizing and updating in the expected phase two Revision 30 project during 2013-2014.}

B. Elections Within the Senate

1. Scope. Elections within the Senate include election of the President/President-elect of the Senate, election of faculty members for all standing committees of the Senate, and such other elections as may be required for any special Senate committee or other University committee. All elections shall be supervised and conducted by the Senate Personnel and Elections Committee, and shall be conducted during a regular or special meeting of the Senate, except that any particular election (other than of the Senate President/President-elect) may be conducted through electronic means (electronic mail or a secure internet site or similar means) if so recommended by the Personnel and Elections Committee and approved by the Senate Executive Committee. *{Drafting note: Adding this change explicitly allowing for use of electronic voting will permanently allow for a practice taking advantage of modern technology, which was temporarily adopted and*

approved by the Personnel and Elections Committee, Executive Committee, and full Senate starting three years ago, and which has been found to be a very efficient way of conducting the annual elections for Senate-elected committees, with no problems or objections having arisen during the trial period. Election of the President/President-elect is excluded—as that should always be conducted at an actual Senate meeting, not virtually.}

2.1. Nominations.

- a. The Senate 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 Chairperson 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.

3.2. Balloting Procedures.

- a. Elections within the Senate, including those for standing or special committees of the Senate, shall be conducted by the preferential balloting Pprocedure, 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-Pprocedures shall be followed in the runoff balloting round.

4.3. 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 ~~P~~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 Chairperson 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.

F. SECTION 6. Meetings of the Senate.

1.A. Regular Meetings.

a.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 ordinarily begin no later than 3:45.

b.2. **Robert's Rules of Order** shall govern as the parliamentary rules of procedure in all Senate meetings (and meetings of committees of the Senate), except as otherwise provided within this Policy or another governing University Regulation or a rule adopted by the Senate (See [Policy 1-002](#)). 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.

c.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.

d.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.

2.B. Special Meetings.

a.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.

~~b.2.~~ Rules governing the conduct of regular Senate meetings shall be in force at such special meetings.

~~c.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.

G. SECTION 7. Order of Business.

{Drafting note for Revision 30: A Report from the ASUU Administration has been in practice included on the agenda for many years, and the change in the following passage will make Policy consistent with that longstanding practice. Expanding the title of the Information and Recommendations Calendar will help all participants understand that Senate members are allowed and encouraged to not only ask questions but also make recommendations on items that the Executive Committee has determined are appropriately placed on that calendar rather than the Debate Calendar. This should help the Executive Committee in deciding that some items which do deserve discussion are nevertheless best placed on the Information and Recommendations Calendar, such that recommendations can be offered, but not on the Debate Calendar because they should not be made subject to getting formal approval of the majority of the Senate. }

1.A. Order of Business.

Except as otherwise provided by the Senate in a standing rule of the Senate or for a particular meeting, its order of business shall be:

~~a.1.~~ Call to Order

~~b.2.~~ Approval of Minutes

~~c.3.~~ Requests for New Business

~~d.4.~~ Consent Calendar

~~e.5.~~ Executive Committee Report

~~f.6.~~ Reports from University Administration and from ASUU Administration

~~g.7.~~ Notices of Intent

~~h.8.~~ Debate Calendar

~~i.9.~~ Information and Recommendations Calendar

~~j.10.~~ New Business

~~k.11.~~ Adjournment

2.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 another specified time during the meeting ~~the beginning of the meeting, prior to the regularly scheduled business on the agenda.~~ *{Drafting note: this change will allow more flexibility that a 'new business' item could by approved motion be scheduled sometime in the middle of the meeting, not only at the very end or very beginning. }*

H. SECTION 8. Minutes and Agenda.

1.A. Minutes.

~~Faculty m~~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.

2.B. Agenda and Minutes.

a.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.

~~b.2. Each department and each faculty member shall receive a~~ b.2. Each department and each faculty member shall receive a summary of the agenda in advance of each meeting shall be made available to all tenure-line and career-line faculty members and chairpersons of all academic departments or equivalent academic units . The summary of the agenda should regularly contain an invitation open 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.

c.3. Summaries of actions taken by the Senate shall be made available~~sent~~ to each member of the University faculty within a reasonable time after~~one week of~~ each session of the Senate. *{Drafting note: the above changes, plus the below addition of a new subsection regarding electronic distribution will allow flexibility that the existing version lacked, as it was enacted in an era before use of manually delivered paper documents was displaced by computer technology and the widespread use of email and the internet. The clarification that notices should go to the tenure-line and career-line faculty, but that all faculty are in fact welcome to obtain agendas and attend meetings, takes a realistic view that it would be unduly burdensome for the Senate office to regularly distribute agenda materials and summaries to the large numbers of adjunct faculty (by definition merely part-time and rarely having office facilities at the University), or to visiting faculty, who ordinarily are not expected to devote time to involvement in shared-governance activities such as the Senate-- but they are nevertheless welcome to obtain agenda materials and attend the open-to-the-public Senate meetings. The change from "one week" to a "reasonable time" for post-meeting summaries is a recognition that with the growth of the University over recent decades and the accompanying greater workload demands on the office of the Senate, the one-week requirement has become impractical and unduly burdensome—and has frequently not been met in the past several years. }*

3. Electronic distribution.

If approved by the Senate Executive Committee and not objected to by a majority of the elected members of the Senate, the Senate President may during any year direct the secretary of the faculty to use electronic means (such as electronic mail or an internet website or similar means) to distribute any of the agenda, minutes, or summary documents required by this Policy.

I. SECTION 9. Faculty Initiative and Review.

{Drafting note for Revision 30: For these Initiative and Review procedures--- changes are made to clarify that these rights are only available to the tenure-line and career line faculty. This was presumably the intent of the original version of the Policy--- but that wasn't made explicit because the Policy was written at a time when the University faculty

was quite small and there were very few visiting or adjunct faculty. In modern circumstances, it is not appropriate to have a group of ten visiting faculty (who by definition have only a very brief relationship with the University) or adjunct faculty (who by definition have only a part-time relationship with the University) alone be able to put in motion a time consuming Senate project. The visiting and adjunct faculty, as stated in the longstanding provision in Policy 6-300, do not have the right to vote in any level of shared governance activities at the University---and these rights of initiative and review should be treated consistent with the rights to vote. If there is a topic significantly important that is first brought to attention by visiting or adjunct faculty, as a practical matter they should be able to persuade ten tenure-line or career-line faculty members to exercise the rights of initiative and review described here. }

1.A. Initiative

Any ten tenure-line or career-line University faculty members (who need not be current elected members of the Senate) may petition and secure consideration by the Senate of any appropriate matter including proposed amendments to the University Faculty Regulations. An amendment to the University 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.

2.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 tenure-line or career-line 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.

J. ~~SECTION 10.~~ Senate Consolidated Hearing Committee (SCHC)

{Drafting note for Revision 30. The following "user notes" will be added here, and then the entire contents of the two subsections 10 & 11 which have described the procedures for investigations and hearings of the CHC and Academic Freedom committee systems will be moved out of 6-002 and into new Policy 6-010 and 6-011.}

[User Note: The lengthy contents of former Section 10 of Policy 6-002 regarding procedures of the Senate Consolidated Hearing Committee were by Revision 30 effective May 2014 moved into new [Policy 6-011].]

{Lengthy contents not shown here, see them in new location.}

K. ~~SECTION 11.~~ Senate Committee on Academic Freedom and Faculty Rights Committee

[User Note: The lengthy contents of former Section 11 of Policy 6-002 regarding procedures of the Academic Freedom and Faculty Rights Committee were by Revision 30 effective May 2014 moved into new [Policy 6-010].]

{Lengthy contents not shown here, see them in new location.}

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules
- B. Procedures
- C. Guidelines
- D. Forms
- E. Other related resource materials

V. References:

- [Policy 1-001](#) (Roles of Senate Executive Committee and Senate in changes to University Regulations)
- [Policy 6-001](#) (Senate Authority)
- [Policy 6-010](#) (Senate Committee on Academic Freedom and Faculty Rights)
- [Policy 6-011](#) (Senate Consolidated Hearing Committee)
- [Policy 6-300-III-G](#) (Authority of the Faculty)

VI. Contacts:

The designated contact officials for this Policy are:

- A. **Policy Owners (primary contact person for questions and advice):** Associate Vice President for Faculty and the Associate Vice President for Health Sciences.
- B. **Policy Officers:** Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History:

Renumbering: Renumbered as Policy 6-002 effective 9/15/2008, formerly known as PPM 9-3, and formerly as Faculty Regulations Chapter III.

Revision History:

1. Current version: Revision 30
Approved by Academic Senate: _____
Approved by Board of Trustees: _____
Effective date: May 15, 2014
Legislative History of Revision 30 {upload and link to Leg History packet}

2. Earlier versions of Policy 6-002:

Revision 29: {link to outdated stamped Rev 29} effective dates July 1, 2013 to May 15, 2014

[Legislative History Vol. 1](#) for Policy 6-002 Rev. 29 & 6-300 Rev. 16

[Legislative History Vol. 2](#) for Policy 6-002 Rev. 29 & 6-300 Rev. 16

[Revision 28](#)

Effective dates: July 1, 2011 to June 30, 2013

[Legislative History](#) of Revision 28

[Revision 27](#): effective dates July 9, 2009 to June 30, 2011

Editorial revision

[Revision 26](#): effective dates July 1, 2009 to July 8, 2009

[Legislative History](#) of Revision 26

[Revision 25](#): effective dates July 1, 2009 to July 1, 2009. (Note: the effective date for Revision 26 was set as July 1, 2009, the same date previously set as the effective date for Revision 25, which had been adopted earlier in the same academic year as Revision 26 was adopted.)

[Legislative History](#) of Revision 25

[Revision 24](#): effective April 8, 2007 to June 30, 2009

[Legislative History](#) of Revision 24

[Revision 23](#): effective May 8, 2006 to April 8, 2007

[Revision 22](#): effective June 23, 2004 to May 7, 2006

[Revision 21](#): effective April 19, 2004 to June 22, 2004

[Revision 20](#): effective December 8, 2003 to April 18, 2004

[Revision 19](#): effective August 13, 2001 to December 7, 2003

[Revision 18](#): effective June 12, 2000 to August 12, 2001

[Revision 17](#): effective May 17, 1999 to June 11, 2000

[Revision 16](#): effective November 2, 1998 to May 16, 1999

3. Earlier versions of Policy 6-305. (Note, the description of duties of the Senate Faculty Standards Review Committee now moved to 6-002 as of Revision 30 in 2014 was previously housed in Policy 6-305 (which before 2008 renumbering was Policy 9-5.3 and earlier Faculty Regulations Chapter V Section 4), and this lists the history of that Policy 6-305 up through 2014.

Policy 6-305 Revision 18 *{link to the final version marked as retired}*

Policy 6-305 Revision 17: *{link to Rev 17, marked outdated}* Effective dates: July 1, 2009 to May 15, 2014. [Legislative History](#) {link to http://regulations.utah.edu/academics/appendices_6/6-002_6-303_6-305_legislativehistory.pdf }

Policy 6-305 [Revision 16](#) effective dates: 2005-2009

Policy 6-305 [Revision 15](#) effective dates 2001- 2005

Policy 6-305 [Revision 14](#) effective dates 1999-2001

Policy 6-305 [Revision 13](#) effective dates 1999

Policy 6-305 [Revision 12](#) effective dates 1998-1999

Proposed revision 18 of Policy 6-305. Draft of 2013-12-04.

The proposal is to remove the entire contents of 6-305, moving them into Policy 6-002 Revision 30. The contents of 6-305 have been a description of the functions of the committee which will now be known as the Senate Faculty Review Standards Committee, and which was formerly known as the University RPT Standards Committee, and earlier as the RPT Standards and Appeals Committee. The description of its functions will now be united with the description of the committee's membership which appears in Policy 6-002. Policy # 6-305 will be 'empty' (and later that number could be used for some other policy subject).

This change is proposed to take effect May 15, 2014.

Policy 6-305=~~Duties of University Retention, Promotion and Tenure Standards Committee.~~ Revision ~~17~~18

[User note: effective May 15, 2014, The former contents of this Policy 6-305 were entirely moved to Policy 6-002. Legislative history documents for earlier versions of this Policy 6-305 are now displayed in conjunction with Policy 6-002.]

~~I. Purpose and Scope. To describe the duties and authority of the University Retention, Promotion, and Standards Committee,~~

~~II. Definitions (Reserved)~~

~~III. Policy~~

~~A. Committee Membership. See Policy 6-002, Section 4 A-10. See also Policy 6-001 III Section 3~~

~~B. Duties:~~

~~1. The University Retention, Promotion and Tenure Standards Committee shall develop and implement procedures with which it will review and approve the statements of retention/promotion/tenure criteria, standards, and procedures applicable for the regular faculty of each department or college as required by University Policy 6-303. Such reviews should be conducted with due concern to the unique characteristics or requirements of the discipline and with the objective of improving the stature of the University by ensuring that such criteria and standards are consistent with the University's commitment to academic excellence. Such reviews will be conducted in conjunction with the faculty and administrators of the department/college being reviewed. Any department or college may be reviewed at the initiative of the committee. Requests for review may be made to the committee by the cognizant senior vice president, the University Promotion and Tenure Advisory Committee, or the Graduate Council, as well as by deans, department chairpersons, or individual regular faculty members. The committee shall use its judgment and discretion in formulating responses to such requests. The committee shall annually report on its reviews to the Academic Senate and to the University Promotion and Tenure Advisory Committee.~~

~~2. The committee is also an appropriate forum for reviewing any proposed changes to University policy with respect to retention, promotion, or tenure.~~

--end--

Proposal for new Policy 6-010. {Draft 2013-12-04}

{Drafting note: The proposal is primarily to remove from existing Policy 6-002 those contents describing functions of the (now-renamed) Senate Committee on Academic Freedom and Faculty Rights, and move them here into this new Policy, and then secondarily to make a very small number of modifications of those contents, primarily for clarification and not for substantive change. Displayed here is the identical phrasing which has previously existed in 6-002, which has then been marked up to show how it is to be modified upon being moved here. However, to avoid undue reading difficulty, the changes of the names of the two committees repeatedly described here, the Senate Committee on Academic Freedom and Faculty Rights, and the Senate Consolidated Hearing Committee, are not marked as changes, nor are corrections/ updates of capitalization or Policy cross-reference citations. }

Policy 6-010: Academic Freedom, Academic Grievances, Functions and Procedures of the Senate Committee on Academic Freedom and Faculty

Rights. Revision 0 - Effective Date May 15, 2014 {to occur simultaneously with effective date of Revision 30 of Policy 6-002 and new Policy 6-011}

I. Purpose and Scope

This Policy describes the functions of and procedures of the Senate Committee on Academic Freedom and Faculty Rights, and in conjunction with that description, affirms the University's commitment to principles of academic freedom for members of the University community, and related rights of faculty members, including rights of review of academic grievances.

[User note: The contents of this Policy formerly appeared in Policy 6-002- the Academic Senate. The contents were moved to this new Policy effective May 2014 as part of the comprehensive Revision 30 of Policy 6-002. That project also included moving out of 6-002 and into a new Policy 6-011 certain contents regarding functions and procedures of the Senate Consolidated Hearing Committee.]

II. Definitions

- A. “SCAFFR” or “Committee” means the Senate Committee on Academic Freedom and Faculty Rights, a standing committee of the Academic Senate, which is established by and has membership and officer(s) as governed by Policy 6-002-III-D-1 (Standing Committees of the Academic Senate).

[User note: this committee was formerly known as the Academic Freedom and Faculty Rights Committee--AFFRC (2006-2014), and earlier as the Academic Freedom and Tenure Committee--AFTC (pre-2006).]

- B. Senate Consolidated Hearing Committee (“SCHC”) is the standing committee of the Academic Senate established by Policy 6-002, and with procedures set forth in Policy 6-011, for processing complaints and holding hearings in various disputes, some of which overlap with functions of the SCAFFR. (SCHC formerly named CHC)
- C. "Claimant" means the person(s) submitting a complaint to the SCAFFR.

- D. "Complaint" means a signed, written statement submitted to the SCAFFR on the [[SCAFFR 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.
- E. "Respondent" means the person(s) against whom a complaint is made.

III. Policy

A. General Principles of 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 in all categories (as described in [Policy 6-300 The University Faculty -- Categories and Ranks](#)), whether with or without tenure or continuing appointment, administrative officers, academic staff and other non-faculty academic personnel (as described in [Policy 6-309](#)), 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, Resignations](#)~~
 {Drafting note: These references are merely moved to Part VI below.}

B. Academic Grievances [reserved. User note: See [Policy 6-308](#)]

{Drafting note: In a subsequent revision project, the contents of existing Policy 6-308—Grievances, should be moved here where they clearly fit most appropriately. Also the description of what constitutes an academic grievance, which appears below, should be partially moved to here.}

C. Senate Committee on Academic Freedom and Faculty Rights

1. Committee Formation

a. The Senate Committee on Academic Freedom and Faculty Rights ("SCAFFR" or "Committee") is a standing committee of the Academic Senate, governed by the provisions of [Policy 6-002](#) regarding such a standing committee, including selection of its voting and ex officio membership and officers, duties to report to and receive charges from the Senate, and other general matters, with the following additional specific provisions.

~~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, Part III-~~Sec.4-C-2~~. If a co-chairperson or vice-chairperson has not otherwise been selected pursuant to the procedures of [Policy 6-002](#), the members of the Committee may select a A vice chairperson shall be selected ~~by the committee and will~~ to preside in the absence of the chairperson.~~

{Drafting note: the above passage regarding membership and officers is being moved into Part III-D-1 of Policy 6-002, and modified as there shown.}

~~e. 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.~~

~~⌘~~ 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 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 [[University Rule 5-210A](#) "OEO/AA Procedures"].

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. The Committee 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 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. [*User note: this specific role of the Committee was in 2007 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 Regulations. See [Policy 6-308](#) (Grievances).
- 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 [Policy 6-011](#) (Senate Consolidated Hearing Committee, as the hearing body for such complaints by faculty members).
- f. The Academic Senate may refer any academic disputes between faculty members or other members of the University community staff to the Committee for study and report.
- g. Any faculty member may refer a request for review of a resignation of a faculty member to the Committee for study and report. See [Policy 6-307](#).
- h. In addition to its power to investigate and review as referred to above, the Committee is responsible for overseeing the application and updating of Policy 6-316 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 (and as part of that responsibility will review for Senate consideration all legislative matters concerning faculty rights and responsibilities See Section 4.A.2 of this policy.) To

perform the latter task, the Committee is hereby 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.

{Drafting note: the immediately preceding changes are merely combining into a single passage contents that were spread across two widely separated sections within the former Policy 6—002, without intending any change of substance.}

3. General Procedures

- a. The Committee may receive a complaint directly from a member of the academic community and attempt to resolve the matter informally. If the Committee is unable to resolve the matter to the satisfaction of the claimant, then the Committee should explain further options for appeal to the claimant, including the possibility of filing a complaint with the Senate Consolidated Hearing Committee (SCHC). Formal hearings required in matters involving rights and duties of faculty members are conducted by the SCHC under [Policy 6-011](#).
- b. If a complaint is filed initially with SCHC, it may refer the matter to SCAFFR for "consideration and report." (See [Policy 6-011](#).) SCAFFR 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 SCHC.
- 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 a Committee 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 [*User note: Definitions have been moved to Section II of this Policy, in Revision 0.*]

- ~~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 Committee 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](#) (Discrimination and Sexual Harassment Complaint) and [Policy 6-011](#) (Senate Consolidated Hearing Committee—formal hearings of complaints of discrimination in context of another faculty proceeding).
 - iii. When a complaint has been filed with the Office of the Academic Senate and referred to the SCAFFR chairperson, the Committee chairperson may consult with the Senate President or designee (as ex officio member of SCAFFR) to ascertain whether the dispute is subject to another Committee's jurisdiction or 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 Regulations has occurred,
 - ii. express the Committee's view(s) on whether an academic grievance (as ~~described~~defined above) violates the rights or inappropriately impedes the duties of a faculty member,
 - iii. advise the parties that a grievance should be processed further at the departmental or other appropriate administrative level,
 - iv. advise the parties that a hearing by SCHC would be needed in order to make factual conclusions on identified issues, or
 - v. advise the claimant of the option to appeal to the SCHC 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 SCHC, the Committee's written report will be forwarded to SCHC. In addition, documents submitted to the SCAFFR during an informal resolution process will be forwarded to SCHC, subject to the permission of the party who originally submitted the documents.

7. Referrals from the Senate Consolidated Hearing Committee

- a. If the SCHC under Policy 6-011 (referral to SCAFFR) refers an appeal that alleges a violation of academic freedom to the SCAFFR for consideration and report then the SCAFFR will consider the allegations and make a written report to SCHC 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 SCHC.
- b. The SCAFFR will submit a report to the SCHC based only on the materials forwarded to the SCAFFR by the SCHC pursuant to the referral.

c. If the Committee believes that factual issues relevant to the academic freedom allegations should be determined by the SCHC, the Committee may, at its sole discretion, so advise the SCHC in its report. The Committee may, at its sole discretion, also advise the SCHC of two or more alternative views held by the Committee depending on the SCHC's factual findings.

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules [Reserved]
- B. Procedures [Reserved]
- C. Guidelines [Reserved]
- D. Forms

[SCAFFR complaint form](#) {link to updated url:

<http://regulations.utah.edu/forms/affr-complaint-form.pdf> }

- E. Other Related Resource Materials [Reserved]

V. References

[Policy 5-210](#), Discrimination and Sexual Harassment Complaint
[Policy 6-002](#), The Academic Senate
[Policy 6-316](#) Code of Faculty Rights and Responsibilities
[Policy 6-400](#), Code of Student Rights and Responsibilities
[Policy 6-011](#), Senate Consolidated Hearing Committee
[Policy 6-307](#), Resignations of Faculty
[Policy 6-308](#), Grievances
Statements of the American Association of University Professors related to academic freedom: ("[The 1940 Statement of Principles on Academic Freedom and Tenure](#)"; "1970 Interpretive Comments"; "1970 Statement on Professors and Political Activity"; "1970 Statement of the Association's Council: Freedom and Responsibility"; "[1967 Joint Statement on Rights and Freedoms of Students](#)").

VI. Contacts

A. **[Policy Owners](#)** (primary contact person for questions and advice): Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

B. **Policy Officers:** Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

Renumbering. The contents of this Policy 6-010 prior to May 15, 2014 were housed within Policy 6-002---III-Section 11, which in turn prior to the September 2008 system-wide renumbering of University Policies had been known as PPM 9-3 and earlier as Faculty Regulations Chapter III. Also, certain contents of this Policy before being moved to Policy 6-002/ PPM 9-3, had originally been housed in Policy 6-313/ PPM 8-7 as of May 2006.

Revision History:

1. Current Version Revision 0: Approved by the Academic Senate []. Approved by the Board of Trustees []. Effective date May 15, 2014.

Legislative history of Revision 0. { _____create a history package and upload and link to it. }

2. Earlier versions: Because the contents of this Policy were formerly housed within Policy 6-002—III-Section 11, and Policy 6-313, earlier history for this Policy is found in the repository of history documents for [Policy 6-002](#), up to Revision 22 year 2013, and in the history documents of [Policy 6-313](#) up to Revision 9 year 2006.

Proposal for new Policy 6-011: Functions and Procedures of the Senate Consolidated Hearing Committee. {Draft 2013-12-04}

{Drafting note: The proposal is primarily to remove from existing Policy 6-002 contents of Section 10 and move them here into this new Policy, and then secondarily to make a very small number of modifications of those contents, primarily for clarification and not for substantive change. Displayed here is the identical phrasing which has existed in 6-002, which has then been marked up to show how it is to be modified along with being moved here (except that not marked, to avoid confusion, are changes of the names of the two repeatedly mentioned committees—SCHC and SCAFFR, corrections of capitalization, and updated citations to Regulations.)

Policy 6-011: Functions and Procedures of the Senate Consolidated Hearing Committee (SCHC). Revision 0 = Effective Date May 15, 2014 *{to occur simultaneously with approval of revisions of 6-002 and enactment of new Policy 6-010}*

I. Purpose and Scope

This Policy describes the functions of the Senate Consolidated Hearing Committee, and establishes the procedures for complaints and hearings in cases brought before the Committee.

[User note: The contents of this Policy formerly appeared in Policy 6-002 Rev. 29 (III-Section 10—standing committees of the Academic Senate). The contents were moved to this new Policy in 2014 as part of project which included enacting Revision 30 of Policy 6-002, new Policy 6-010 (regarding the Senate Academic Freedom and Faculty Rights Committee), and this new Policy 6-011.]

II. Definitions

- A. “SCHC” or “Committee”-- is the Senate Consolidated Hearing Committee, a standing committee of the Academic Senate which is established by and has pool membership as governed by Policy 6-002, and as used here in context the term may refer either to a specific SCHC panel or the pool of SCHC members from which a panel is drawn .
[User note: this committee was formerly known as the Consolidated Hearing Committee for Faculty Disputes--CHC, and earlier certain of its functions were conducted by the predecessor Faculty Hearing Committee—FHC.]
- B. “Senate Committee on Academic Freedom and Faculty Rights” (“SCAFFR”)-- is the standing committee of the Academic Senate established by Policy 6-002, and with functions and procedures described in Policy 6-010 (some of which functions overlap with functions of the SCHC).

- C. “Office of Equal Opportunity and Affirmative Action” (“OEO/AA”), is the University office described in [Policy 5-201: Discrimination and Sexual Harassment Complaint Policy](#).
- D. “Research Integrity Officer.” and “Research Misconduct Investigation Committee”—are described in [Policy 7-001 Policy for Research Misconduct](#).
- E. “Committee on Student Affairs” (“COSA”) is described in [Policy 6-401-III-D, Students of the University](#).

III. Policy

Policy 6-002 SECTION 10.

A. Charge

1. The Senate Consolidated Hearing Committee ("SCHC") is the hearing body for grievances and complaints brought against faculty members (as defined in [Policy 6-316, Section 1, Code of Faculty Rights and Responsibilities--General Provisions](#)) at the University of Utah or by faculty members asserting rights including appeals from retention, promotion and tenure decisions. The SCHC may also choose not to hold hearings and to dismiss complaints brought before it under certain circumstances. The SCHC may also seek the expertise and assistance of other committees or individuals it deems appropriate to facilitate the hearing process. The SCHC 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 Part III-H below).
2. In particular, the SCHC 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 protected veteran 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.

B. Route to SCHC

The route to the SCHC 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-III-I](#). "Appeal of...RPT") 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 Part III-D-3-b-i below. "SCHC Standard of Review...")

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

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 SCHC. Any appeal from the OEO/AA findings, conclusions and recommendations shall be made to the SCHC.

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 SCHC if no informal resolution has occurred. (See [Policy 6-316](#)-Section 6, Complaints)

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

- 4. Violation of academic freedom or an academic grievance.

Any concern involving an alleged violation of academic freedom or an academic grievance, as defined in Policy 6-010, is brought initially to the Senate Committee on Academic Freedom and Faculty Rights ("SCAFFR"). If the SCAFFR does not resolve the matter informally, the complainant may request a hearing from the SCHC. (See [Policy 6-010](#).)

- 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 SCHC alleging a faculty member's inability to perform the essential functions of the job. (See [Policy 6-313](#)-Section 3. "... Termination for Medical Reasons.")

- 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](#)-Section 4, "Financial Exigency," and Section 5, "Program Discontinuance").

- 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 SCHC only if the appellant alleges a violation of the Utah or United States Constitution or of academic freedom. (See [Policy 1-007](#)--University Speech Policy, and [Policy 6-401](#)-III-D, Students of the University—Committee on Student Affairs.)

- 8. Research Misconduct.

The SCHC is the formal hearing body for research misconduct but the route to the SCHC 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 SCHC, 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 SCHC process begins upon the receipt by the Office of the Senate of an appeal or complaint in writing setting forth the pertinent issues. The SCHC 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. Chairperson Selection

The Office of the Senate shall select a chairperson 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 Part III-H 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 SCHC 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 SCHC has jurisdiction. In an RPT appeal, the SCHC 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 SCHC 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 SCHC 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 SCHC 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 SCHC 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 SCHC shall refer those allegations to OEO/AA for an investigation and report.
- If an appeal alleges a violation of academic freedom, the SCHC shall refer those allegations to the SCAFFR for consideration and report.
- If a matter before the SCHC alleges misconduct in *non*-sponsored research, the SCHC 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 SCHC shall refer it to the Research Integrity Officer pursuant to [Policy 7-001](#).

ii. Hearing on all allegations.

The SCHC chairperson shall consult with the director of OEO/AA, chairperson of SCAFFR, or Research Integrity Officer as the chairperson deems appropriate to facilitate fair and prompt proceedings and the timely return of the case to the SCHC 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 SCHC 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 SCHC 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 SCHC with instructions.

- i. Appeal from RPT decision: The SCHC may not dismiss an appeal from an RPT decision.
- ii. Discrimination: The SCHC may dismiss allegations of discrimination only if it finds, after reviewing the OEO/AA 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 SCHC 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 SCHC 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 SCHC 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 Senate Committee on Academic Freedom and Faculty Rights ([Policy 6-010](#)) or that the claimant is not directly or substantially affected by the matters of which he or she complains. The SCHC must consult with SCAFFR before such a complaint is dismissed.
- v. Appeal of Dismissal or Reduction in Status Due to Financial Exigency or Program Discontinuance: The SCHC may dismiss the appeal on the written record only if it finds (after considering any report from SCAFFR) 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 University Regulations (see [Policy 6-313](#)) 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 SCHC may dismiss the appeal on the written record only if it finds (after considering any report from SCAFFR) 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 SCHC may not dismiss a case seeking termination or reduction in status for medical reasons.
- viii. Sponsored Research Misconduct. The SCHC 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 Part III -B-8-b above.*)

c. Notice to Parties if Case Dismissed.

If the SCHC 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 SCHC 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 SCHC decide the case on the written record. (The Office of the Senate may assist the SCHC in scheduling hearing days and times with the parties.)

- 7. Waiver of hearing. Any party may ask that the SCHC 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 SCHC, with copies provided to other parties. If all parties so request, the SCHC may proceed to consider the written submissions and to decide the case on the written record alone. However, except as provided above in [Part III-6-b-Dismissal], unless all parties agree to waive a hearing, the SCHC shall hold a hearing. Even if all parties agree to waive a hearing, the SCHC 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 SCHC determines that a hearing is necessary or required, the SCHC 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 SCHC, through the Office of the Senate, may endeavor to find a hearing date that will be convenient for all the parties involved, the SCHC 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 SCHC 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 SCHC 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 SCHC 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 SCHC 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 below Part III-D-3 SCHC Standard of Review).
11. Bias or conflict of interest. Members of the SCHC panel shall recuse themselves for bias or conflict of interest. If there is a dispute regarding the participation of any SCHC 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 SCHC 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 SCHC 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 Senate Consolidated Hearing Committee conducts its hearings as informal administrative proceedings rather than formal trials. The SCHC 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 SCHC endeavors to conduct the proceedings with respect for all the individuals involved and requires that civility be observed by all participants.
 - b. The SCHC chairperson has the authority to conduct the proceedings and to take whatever actions the chairperson 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 Chairperson and the SCHC 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). Each party shall personally make a narrative opening statement that states his/her position on the issues and facts and describes the relief sought. Thereafter, either the party or his/her advisor (but only one of them) shall conduct the remainder of the presentation including examinations, cross-examinations and summary statements at the conclusion of the hearing. The parties (and not their advisors) must respond to questions presented by the SCHC and the opposing party.
 - b. At the hearing, the parties shall have the right to confront and cross examine witnesses through the presentation of their questions to the SCHC chairperson. 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 SCHC may grant such request as it deems appropriate. At the request of any party or the SCHC, 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 SCHC 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 SCHC 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, SCAFFR, the Research Integrity Officer, or any other neutral investigative or consultative body shall provide, upon request, a written report to the SCHC 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 audiotape recorded (or video recorded.) Any party can obtain a copy without charge.
 - h. Witnesses may be called by either party or by the SCHC. The SCHC may (in its discretion) consider telephonic (or equivalent form of) 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 SCHC to cross-examine the witness.
 - i. Ordinarily, any documentary evidence should be produced for SCHC and all the parties prior to the hearing. For good cause, the SCHC 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 SCHC.
 - j. The SCHC 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. SCHC Standard of Review and Actions.
- a. The SCHC'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 SCHC, which may necessitate different standards of review. Some, such as the consideration of RPT decisions are appeals and, as such, the SCHC 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 SCHC 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 SCHC 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 SCHC 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 SCHC recommends sanctions.

- iv. Complaint alleging violation of academic freedom or an academic grievance.

The claimant must prove by a preponderance of the evidence that the alleged actions occurred and that they violated academic freedom or a substantial faculty right, as defined in [Policy 6-010](#).

- 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 SCHC must find, by a preponderance of the evidence, that the respondent(s) engaged in research misconduct as defined in [Policy 7-001](#).

- c. SCHC deliberations and voting shall take place in closed sessions. Upon request of any member of the SCHC, votes shall be taken by secret written ballot. A three-fifths majority of members present at the hearing, including the chairperson, shall be required for any decision.
- d. The SCHC 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 SCHC, 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 SCHC;
 - b. Return the report to the SCHC, 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 SCHC.
2. Written notification of the President's decision and the basis for that decision, if it differs from the SCHC 's recommendation, shall be communicated to all parties, the department chairperson, the academic dean, the cognizant senior vice president, and the chairperson of the SCHC panel.
3. The decision of the President is final.

F. Records of Complaints and Reporting by SCHC.

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 SCHC to the extent not prohibited by University Regulations or law.
3. Access to records of hearings shall be governed by applicable law.
4. **Each SCHC 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 SCHC 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 SCHC may recommend remedies or sanctions which it deems appropriate to the circumstances. The SCHC may consult with SCAFFR, the Research Integrity Officer, OEO/AA or other University units or officials as it deems appropriate to "craft" the remedy or sanction.

- a. Remedies. The SCHC may recommend remedies to ameliorate any improper denial of academic freedom or other substantial right considered by the SCHC. 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.
- b. 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. SCHC Membership Composition and Selection

{Drafting note: the detailed descriptions of elections of members to the pool, and appointment of chairperson qualified members, are merely moved into Policy 6-002 Part III-D-1, along with descriptions of membership elections for the other standing committees of the Senate. And here are added brief cross-references to 6-002.}

~~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.~~

1. Members of the SCHC standing committee pool available to serve on SCHC panels are elected by the Academic Senate as described in [Policy 6-002-III-D-1-e](#).
2. SCHC pool members available (and trained) to serve as panel chairpersons are appointed and confirmed as described in [Policy 6-002-III-D-1-e](#). The Academic Senate President in consultation with the Senate Executive Committee and the administration shall identify at least 5 chairs from the elected SCHC 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 from the SCHC pool a set of panel members for each hearing with the goal of constituting an impartial panel. A neutral process such as assigning SCHC members on a rotating or random basis will be used. The resulting panel should have diverse academic expertise and experience. Chairpersons and, when needed, members with the appropriate expertise in sponsored research (as described below) ~~in the second paragraph of Part III H 1 above~~ shall also be selected from their separate pool through a similar neutral process. Being designated as a chairperson does not preclude serving as a regular member on another SCHC panel.
 - a. For each case/ hearing, the SCHC will normally consist of a panel of 4 faculty members and one faculty chairperson. No more than one of the five members may be faculty with administrative appointments. At the discretion of the chairperson, 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 [University [Rule 5-210A](#): OEO/AA Procedures].**
 - 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 SCHC panel shall be *tenured* faculty.**
- 4. Parties to hearings before the SCHC may challenge any member of the SCHC panel for cause. If there is a dispute regarding the participation of any SCHC 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 above, Part III-C-11.)
 - 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 Regulation is inconsistent with the provisions herein, this Policy shall govern.

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules [Reserved]
- B. Procedures [Reserved]
- C. Guidelines [Reserved]
- D. Forms

SCHC Intake/ Complaint form {link to updated form, currently at URL--
<http://regulations.utah.edu/forms/chc-intake-form.pdf>}

E. Other Related Resource Materials [Reserved]

V. References

Policy 1-007-- University Speech Policy

Policy 6-002 –The Academic Senate (Standing Committees)

Policy 6-011—Academic Freedom, Academic Grievances, and the Senate Academic Freedom and Faculty

Rights Committee

Policy 6-303 –Retention, Promotion, and Tenure

Policy 6-316 –Code of Faculty Rights and Responsibilities

Policy 6-313—Dismissal based on Financial Exigency

Policy 6-401—Committee on Student Affairs --COSA

Policy 5-210— Discrimination and Sexual Harassment Complaint

University Rule 5-210A--OEO/AA Procedures.

Policy 7-001 -- Sponsored Research

1961 statement of the American Association of University Professors concerning recruitment and resignations

1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and the Association of American Colleges

1965 "Statement on the Academic Freedom of Students" of the American Association of University Professors.

VI. Contacts

A. **Policy Owners** (primary contact person for questions and advice): Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

B. **Policy Officers:** Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

Renumbering. The contents of this Policy were prior to 2014 housed within Policy 6-002-III-Section 10—The Academic Senate, which in turn prior to the September 2008 system-wide renumbering of University Policies had been known as PPM 9-3, and earlier known as Faculty Regulations Chapter III.

Revision History:

1. Current Version Revision 0: Approved by the Academic Senate []. Approved by the Board of Trustees []. Effective date []

Legislative history of Revision 0. *{create a history package and upload and link to it. }*

2. Earlier versions: Because the contents of this Policy were formerly housed within Policy 6-002—III-Section 10, history for this Policy prior to Revision 0 in year 2014, is found in the repository of history documents for [Policy 6-002](#) (formerly PPM 9-3).