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Revised: 7/1/2011

ASU **ACD 112–01: *Academic Constitution and Bylaws***

Contents

Bylaw I of the University Senate

Bylaw providing for a university committee on Academic Freedom and Tenure and establishing other Grievance Committees and Procedures

Amending Bylaw I (adopted April 25, 1958)

Authority: Article II.D., Constitution

Note: The term grievant may signify one or more individuals.

A. Introduction

The Board of Regents, the university president, the [faculty](#) and [academic professionals](#), and the administrators of ASU recognize the importance of providing efficient procedures for fair resolution of grievances without fear of retaliation on the part of persons involved. Several avenues of appeal are available to grievants within the university. The preferred option is to resolve grievances internally at the level closest to the grievant(s) (i.e., chair or dean level). The [academic unit](#) and/or the college work with University ombudsperson to facilitate this process if all parties agree to engage. If the grievant(s) does not choose to follow this route, or this route has not provided acceptable resolution, the grievant(s) may use appropriate procedures as described in the *Academic Affairs Policies and Procedures Manual*— [ACD 509–02](#), “Grievance Policies and Procedures for Faculty,” or [ACD 509–03](#), “Grievance Policies and Procedures for Academic Professionals.”

While grievant(s) are urged to seek resolution through an ombudsperson first, they are not obligated to do so. Faculty may take their case to the Clearinghouse Committee for assignment to one of two grievance-hearing committees: The Committee on Academic Freedom and Tenure and the Governance Grievance Committee. Academic Professionals may take their case to the Academic Professional Grievance Committee. The composition and general functions of each of these committees are described below. The detailed policies and procedures of each of these committees may be found in the *Academic Affairs Policies and Procedures Manual*—[ACD 509–02](#), “Grievance Policies and Procedures for Faculty,” and [ACD 509–03](#), “Grievance Policies and Procedures for Academic Professionals.” Changes in these grievance policies and procedures require [Academic Senate](#) review and recommendation. The right of a faculty member or academic professional to be heard by the appropriate board or committee shall not be restricted.

Comment [Hs1]: Change to “University Senate”

B. Academic Grievance Procedures

1. Ombudspersons

- a. A grievant may seek resolution through a faculty [ombudsperson](#) or an academic professional ombudsperson.
- b. Annually the ombudsperson of the Academic Assembly shall report to the Senate and university president a summary of the caseload for the year and any recommendations for policy or procedure changes arising from the work of the ombudsperson.

2. Grievance committees

A grievant may seek a formal hearing before a grievance hearing body. For faculty that body is selected by the Clearinghouse Committee. For academic professionals, the hearing body is the Academic Professional Grievance Committee. Detailed procedures may be found in the *Academic Affairs Policies and Procedures Manual*— ACD 509–02, “Grievance Policies and Procedures for Faculty,” or ACD 509–03, “Grievance Policies and Procedures for Academic Professionals.”

a. *The Clearinghouse Committee*

1. The committee shall be composed of the chairs of the Committee on Academic Freedom and Tenure and the Governance Grievance Committee. These two chairs shall be appointed by the UAC from among the committee and board members and shall serve a one-year term.
2. The chair of the Clearinghouse Committee shall be appointed by the UAC. The chair will serve one year.
3. Functions of the committee
 - a. Upon written request of a grievant(s), the committee shall decide which one of the two grievance committees (noted above) shall hear the grievance. Jurisdictional decisions shall be made with all members present and shall be based on state law; Board of Regents’ policies; and university rules and regulations, including guidelines of the respective grievance committees. However, the grievant(s) or respondent may ask the committee to reconsider its assignment; any decision after such reconsideration is final.
 - b. Annually, in advance of the April meeting of the University Senate, the Clearinghouse Committee shall submit to the UAC a report containing a summary of its actions and that of each of the two committees, along with any recommendations for changes in the system. The UAC shall submit the report to the Academic Senate at the April meeting, along with any additional recommendations it may have for any changes in the system. The UAC shall also submit the report to the university president.

Comment [Hs2]: Change to “University Senate”

b. *The Committee on Academic Freedom and Tenure*

1. Twelve members, three from each campus, shall be elected by the Academic Assembly from among tenured professors and tenured associate professors. Assembly members may vote only for those nominees for their campus. The term shall be three years, one-third of the elected members to be replaced each year. Members may not hold administrative positions at the level of department chair or above.
2. The committee shall follow the policies and procedures for grievances established in ABOR Policy 6-201 and ASU policy ACD 509-02.
3. Functions of the committee

- a. The committee shall investigate alleged infringements upon the [academic freedom](#) or [tenure](#) of faculty members.
- b. The committee shall hear cases assigned to it by the Clearinghouse Committee.
- c. The committee shall deal with dismissal and [disability](#) status.

I. Dismissal Proceedings

When dismissal is considered for a faculty member who has satisfactorily completed any probationary period established under the existing personnel policies of the university, or a faculty member whose contract period established under the existing personnel policies of the university, or a faculty member whose contract period has not expired, the matter shall be resolved by procedures described in detail in the *Academic Affairs Policies and Procedures Manual— ACD 501, "Conditions of Faculty Service."* This process differs substantially from other grievance procedures. Grievant(s) have the right to seek mediation through a Conciliation Committee and to appeal to the Committee on Academic Freedom and Tenure directly.

II. Disability Status

When an individual has been placed on disability status for more than 18 months, there is no assurance of reemployment with the university. In such cases, dismissal may not be appealed on the basis of employment rights endowed with tenure.

c. *The Governance Grievance Committee*

- 1. The committee shall be composed of twelve members, three from each campus, who shall be elected by the Academic Assembly from among tenured professors and tenured associate professors for a period of three years. Assembly members may vote only for those nominees for their campus. One-third of the elected members shall be replaced each year. Members may not hold administrative positions of department chair or higher.
- 2. The committee shall follow the policies and procedures for grievances established in ASU policy ACD509-02.
- 3. Functions of the committee

The committee shall hear cases assigned to it by the Clearinghouse Committee. These cases are normally cases other than those involving academic freedom and tenure or discrimination. Such cases include grievances involving salary inequities, teaching assignment, access to equipment, and any unfair treatment of faculty by other faculty or administrators.

d. *The Academic Professional Grievance Committee*

- 1. The committee shall be composed of five elected regular members and two elected alternate members representing the widest possible range of academic professionals.
- 2. Functions of the committee

The operation and scope of the committee is found in ACD 509–03, “Grievance Policies and Procedures for Academic Professionals.”

Bylaw II of the University Senate

Bylaw designating the Standing Committees of the University Senate and clarifying the relationship of joint faculty-student committees and university committees and boards to the Academic Senate.

Comment [Hs3]: Change to "University Senate"

A. Introduction

For the purpose of carrying out its functions as enumerated in Article II.D. and as implied under Article I.D.1 of the constitution, the University Senate through this bylaw does hereby establish Senate committees.

B. University Senate Committees

1. Committee structure

a. *Administrative committees*

1. The Executive Committee
2. The Committee on Committees

b. *Academic affairs committees*

1. The Curriculum and Academic Programs Committee
2. The Student-Faculty Policy Committee
3. The Personnel Committee

c. *Other committees*

1. The University Policy and Procedures Committee

Comment [Hs4]: No longer exists, should be University Services and Facilities Committee.

2. The normal term of the elected members of any Senate committee shall be two years. Membership on a Senate committee terminates upon expiration of Senate membership.

3. The purpose and function of Senate committees shall be to provide services, process information, and generate recommendations so that the Senate may carry out its responsibilities as indicated in Article I.D.1. and Article II.D. of the constitution.

- a. Senate committees generally will deal with matters of policy that pertain to two or more colleges, schools, campuses, or to the university as a whole.
- b. Senate committees may, by majority vote, request the Committee on Committees or the UAC to nominate members of the Academic Assembly to *ad hoc* committees for specific tasks.
- c. A Senate committee may consider matters referred to it by the Senate, by the UAC, by members of the Academic Assembly, by the [faculties](#) and [academic professionals](#) of the colleges or schools, or by other Senate committees.
- d. Recommendations of a Senate committee concerning interpretation of policy may be communicated by the committee to inquiring persons or agencies directly without consulting the Senate. Such recommendations shall be reported as information items in the committee's monthly report to the Senate.

- e. Recommendations of a Senate committee concerning revision of policy or the establishment of new policy shall be made to the Senate. Approved recommendations shall be sent to the university president by the UAC. Recommendations involving change in the constitution or bylaws are treated under Article III of the constitution.
 - f. Each Senate committee shall record its activities and compile and send an annual report to the UAC prior to the last scheduled meeting of the University Senate for the academic year.
 - g. Between June 1 and August 31 of each academic year, the UAC shall appoint a chair for each Senate committee. The first regular meeting of each committee shall be held during the first four weeks of the fall semester.
4. Senate committees shall be established by amending this bylaw to include the name and description of the new committee.
5. The Senate may ask the university president to instruct a university standing committee to serve as an *ad hoc* committee of the Senate to perform a specific task related to an area of responsibility common to both the Senate and that standing committee.
6. The Senate, through its leadership, shall, at its option, maintain representation on university standing committees and boards through:
- a. *Ex officio* representation from the Academic Assembly on all university standing committees and boards with appointment by the Senate.
 - b. Each Senate committee should maintain liaison with those university standing committees and boards that relate to their mission.
7. Administrative committees of the Senate
- a. ***The Executive Committee***
 - 1. Membership
 - a. *Ex officio* voting members: the members of the UAC, the Secretary of the University Senate, the parliamentarian of the University Senate, the chairs of University Senate standing committees.
 - b. *Ex officio* nonvoting members: the university president, the provost of the university, a representative of Undergraduate Student Government, and the president of the Graduate and Professional Students Association.
 - c. The chair of the UAC or his/her designee shall preside.
 - 2. Purpose and function
 - a. To prepare the agenda for meetings of the University Senate. Each agenda shall reserve time for the university president to bring matters to the Senate and for reports from Senate committees.
 - b. To facilitate the actions of the Senate as it acts upon faculty and academic professional business.
 - c. To evaluate continuously the committee structure of the Senate and of the University, and

- to recommend improvements thereof to the Senate.
- d. To provide advice to the UAC and to Senate committee chairs, and to coordinate their functions.
- e. To direct pending business of the Senate to the appropriate committee(s)\
- f. To perform other functions as the Senate and UAC may direct.

b. **The Committee on Committees**

1. Membership

- a. Elected members: Seven senators elected by the Senate, including three faculty members from the Tempe campus, one faculty member from the West, Polytechnic, and Downtown Phoenix campuses, and one academic professional from any campus, and the campus presidents from the UAC. Senators will cast votes only for the nominees from their own campus.
- b. *Ex officio* voting members: The campus presidents from the UAC.
- c. *Ex officio* nonvoting members: The university president, the provost of the university, or their designees.
- d. The term of the elected members shall be two years. One-half of the elected members shall be replaced each year.

Comment [CH5]: "Senators' votes will only be counted toward nominees from their own campus."

2. Purpose and function

- a. To nominate faculty and academic professionals to:
 - 1. Senate committees other than the committees on Academic Affairs.
 - 2. Standing University committees and boards.
 - 3. Officers of the Academic Assembly.
- b. To forward to the Academic Senate nominations for membership on committees which, whenever possible, shall exceed the number of vacancies. The Academic Senate may nominate additional candidates from the floor.
- c. To forward nominations for other committees to the appropriate authority, which shall make the appointment(s) from the nominees recommended.
- d. To nominate faculty and academic professionals to fill temporary vacancies on committees described in (a) above. The UAC shall make appointments from among the nominees to fill the position for the remainder of the term.
- e. To nominate faculty and academic professionals to serve on administratively initiated committees, task forces, presidential committees, or other positions needing Academic Assembly representation.
- f. To ensure that diverse areas of the University are represented on committees whenever feasible.
- g. To provide for continuity in committee membership, consistent with the concept of rotation.
- h. To supervise elections in the Senate.

Comment [CEH6]: Replace by "CAPC"

Comment [CEH7]: Replace by "Campus Presidents-elects."

Comment [Hs8]: Change to "University Senate"

Comment [Hs9]: Change to "University Senate"

8. Academic affairs committees of the University Senate

a. **Curriculum and Academic Programs Committee**

1. Membership

- a. Elected members: Each college shall elect one member.
- b. *Ex officio* nonvoting members: The university president, the provost of the university, dean of the Graduate College, University Librarian, and the chair of the UAC, or their designees.
- c. The term of the elected members shall be two years. One-half of the elected members shall be replaced each year

2. Purpose and function

- a. To serve in an advising and policy-forming capacity in matters concerning
 - 1. course proposals
 - 2. proposed establishment or disestablishments of academic units, such as colleges, schools, and divisions
 - 3. academic programs, including degrees, certificates, minors, and concentrations;
 - 4. academic policies affecting more than one college or school including changes in existing programs.
- b. To review and make recommendations concerning:
 - 1. honorary degree policies and criteria
 - 2. proposed curriculum changes ranging from specific to programs
 - 3. General Studies program
 - 4. graduate programs
 - 5. research proposals affecting curriculum
 - 6. extended education
 - 7. graduation requirements
- c. CAPC may create subcommittees, as needed.

3. Relationships

- a. The chair of the CAPC is a member of the Executive Committee and an *ex officio* member of the University Curriculum Advisory Committee and the Honors Faculty Council.
- b. The CAPC maintains liaison relationships with the Honorary Degrees Committee, the General Studies Council, and the Graduate Council.

b. **Personnel Committee**

1. Membership

- a. Elected members: Eleven senators elected by the Senate, including five from the Tempe campus and two each from the West, Polytechnic, and Downtown Phoenix campuses. Senators will cast votes only for the nominees from their own campus.

Comment [CH10]: "Senators' votes will only be counted toward nominees from their own campus."

- b. *Ex officio* nonvoting members: The university president, the provost of the university, and the chair of UAC, or their designees.
- c. The term of the elected members shall be two years. One-half of the elected members shall be replaced each year.

2. Purpose and function

To serve in an advising and policy-forming capacity in the study, clarification, and formulation of policies and procedures affecting faculty and academic professionals as specified in the constitution, including but not limited to:

- a. university programs for faculty development in research and training
- b. faculty promotion and tenure review policies and practices
- c. faculty employment policies and practices including hiring and affirmative action
- d. salary and compensation review policies
- e. grievance policy and procedures
- f. sabbatical or other leaves of absence
- g. retirement and health care policies.

3. Relationships

The Personnel Committee maintains communication regarding policies and procedures with the University Promotion and Tenure Committee, the Governance Grievance Committee, the Academic Freedom and Tenure Committee, the Committee for Research and Creative Activities, and the Committee on Academic Professional Status.

c. ***Student-Faculty Policy Committee***

1. Membership

- a. Elected members: Eleven senators elected by the Senate, including five from the Tempe campus and two each from the West, Polytechnic, and Downtown Phoenix campuses. Senators will cast votes only for the nominees from their own campus.
- b. *Ex officio* nonvoting members: The university president, the provost of the university, the chair of the UAC, the dean of Student Affairs, and one representative each from Undergraduate Student Government and the Graduate and Professional Students Association, or their designees.
- c. The term of elected members shall be two years. One-half of the elected members shall be replaced each year.

Comment [CH11]: Senators' votes will only be counted toward nominees from their own campus.

2. Purpose and function

To serve in an advising and policy-forming capacity in matters governing [student](#) conduct, consistent with the *Rules for Maintenance of Public Order* and the *Student Code of Conduct*, in matters concerning student organizations, and in other matters related to students, including:

- a. undergraduate and graduate admission and readmission policies and procedures
- b. registration, graduation requirements, grading policies, scheduling, withdrawal

- policies, course load maximums, and program of study filing requirements
 - c. student activities related to academic development, including: advisement, counseling, and academic organizations
 - d. policy development with respect to student-faculty-administration relationships
 - e. review of organized extra-classroom activities to assess their continued effective relation to university academic goals
 - f. policy development with respect to academic integrity
 - g. review of undergraduate education, including teaching in a research institution.

3. Relationships

To liaison with the Undergraduate Admissions Board, the Registrar’s Advisory Committee, the University Undergraduate Standards Committee, the Office for Graduate Education, Undergraduate Student Government, and the Graduate and Professional Students Association.

9. Other Committees of the Senate

a. **University Policy and Procedures Committee**

1. Membership

- a. Elected: Eleven senators elected by the Senate, including five from the Tempe campus and two each from the West, Polytechnic, and Downtown Phoenix campuses. **Senators will cast votes only for the nominees from their own campus.**
- b. *Ex officio*: The university president, the provost of the university, the executive vice president and chief financial officer of the university, and the chair of the UAC, or their designees.
- c. The term of elected members shall be two years. One half of the elected members shall be replaced each year.

2. Purpose and function

To serve in an advisory capacity in the study, clarification, and formulation of policy and procedures in areas affecting the university, including:

- a. strategic planning, annual budget planning, and allocation of university resources
- b. technology transfer policies, including patents and copyrights
- c. university services and facilities, including parking services, the libraries, and computing services
- d. information services, including information gathering and dissemination on issues affecting higher education, faculty, and academic professionals
- e. public relations initiatives, including those of the university’s public relations units, the ASU Foundation, and the Alumni Association

Comment [CB12]: Replace by “University Services and Facilities Committee”

Comment [CH13]: “Senators’ votes will only be counted toward nominees from their own campus.”

C. Joint Faculty-Student Committees

- 1. The Committee on Committees shall nominate faculty to the university president to serve on

committees formed by authority of the ASASU Constitution.

2. Faculty on committees formed by authority of the ASASU Constitution shall act in a manner consistent with university policy, and refer any questions of interpretation or conflict of policy arising in the student committee to the Student- Faculty Policy Committee.
3. The UAC, in consultation with ASASU, shall appoint students to *ex officio* membership on those Senate committees it believes appropriate.
4. The Senate shall request that the university president appoint such faculty-student *ad hoc* committees as it shall deem advisable for the purpose of obtaining the counsel of faculty and students in carrying out its constitutional responsibilities.
5. All faculty-student committees and boards shall file a copy of all reports with the UAC for the information of and possible reaction by the Senate.

D. Relationship of University Standing Committees to the Senate

1. University standing committees and boards are university-wide and have continuing functions as designated by the university president. The university president may establish or discontinue university standing committees and boards, reporting such actions to the University Senate.
2. Members of the Academic Assembly shall be nominated for membership on university standing committees and boards by the Committee on Committees.
3. University standing committees and boards report to the university president.

When a university standing committee or board finds a matter that is a responsibility of the Senate, it shall recommend changes of policy to the Senate, through the UAC, and shall support such recommendations by describing the current situation and the purpose and probable consequences of the change. The Senate will treat the recommendation as if it were a recommendation from a Senate committee.

4. Senate committees may ask appropriate university standing committees and boards for information on university policy related to the areas that are responsibilities of the Senate under the constitution.
5. The UAC shall evaluate the effectiveness of senate representation on the university standing committees and board structure and recommend improvements thereof to the Senate.

Bylaw III of the University Senate

Bylaw dealing with the election of the presidents-elect of the Academic Assembly campus memberships and members of elected committees.

A. Standard Election Procedures

The election of the presidents-elect of the Academic Assembly campus membership and members of elected committees shall be conducted by electronic mail in accordance with the following schedule and procedures:

1. Prior to February 15, the Senate Committee on Committees shall prepare a list of candidates for each vacancy. The list should include two candidates for president-elect of each campus, and the number of candidates for elected committees, should exceed the number of vacancies.
- 1.2. Votes for campus president-elect from Academic Assembly members will only be counted toward nominees from their own campus.
- 2.3. The Secretary of the Senate is responsible for the operation of elections, acting in consultation with the Chair of the Senate Committee on Committees and the Chair of the University Academic Council.
- 3.4. By February 15, or when the candidate list is complete, the Secretary of the Senate or designee shall ensure that the members of the Academic Assembly are notified of the dates of the election, the list of candidates prepared by the committee, and the option of proposing additional nominees by petition. Notification shall be through posting on the University Senate Website, by electronic mail and by available and appropriate print sources.
- 4.5. The period of time between notification and the election should be no less than 5 and no more than 10 working days. Valid petitions received by the Chair of the Committee on Committees during this period shall be placed on the ballot. Valid petitions for Tempe campus positions require signatures of at least 25 Assembly members from the Tempe campus. Valid petitions for other campuses require signatures of at least 10 Assembly members from the campus for which the position is designated.
- 5.6. Any ballots that include more than two candidates for an office shall be structured to permit preferential voting for that office, as specified in Robert's Rules of Order, which shall also guide how to determine the results of the election.
- 6.7. The election will begin immediately after the conclusion of the notification period. Elections will be by electronic ballot. After ensuring that the voting system is secure, the Secretary of the Senate or designee shall notify each member of the Academic Assembly of the election period and explain the election process.
- 7.8. The duration of the election shall be seven days.
- 8.9. Any reports of election difficulties should be directed immediately to the Secretary, who shall ensure that such difficulties are eliminated.
- 9.10. Soon after the election period has ended, the staff persons who operated the electronic balloting system will present the results to a committee composed of the Secretary, the Chair of the Committee on Committees, the Chair of the University Academic Council, and one representative from each campus whose votes are being reported. After determining that the voting system was secure and that all eligible voters who attempted to vote were able to do so, this committee shall certify the results.
11. The election results will be reported first to the candidates, then to the UAC, and then by email to senators and on the Senate web page.

Comment [Hs14]: Add "when possible"

Comment [Hs15]: New item added to be consistent with election procedures.

B. Other Election Procedures

1. If the Committee on Committees is unable to complete a ballot for any campus by February 15, it shall notify the UAC and continue its efforts.
2. If the Committee is unable to find more than one nominee per office by February 15, it may offer that ballot to the Academic Assembly.
3. If the Committee is unable to complete a ballot for any campus by May 1, the UAC is authorized to work with the faculty of that campus to find nominees and devise appropriate election procedures.

Appendix

Academic Constitution & Bylaws Approval History

Originally approved by the Arizona State University Faculty Assembly on April 23, 1982.

Approved by the Board of Regents at its July 1982 meeting.

Amended by the Faculty Assembly at its January 19, 1984, meeting.

Amended by the Senate at its November 18 and November 25, 1985, meetings.

Approved with further amendments by the Faculty Assembly at its January 28, 1986, meeting.

Further editorial amendments adopted by the Senate on May 5, 1986.

Substantive recommendations proposed by legal counsel of the Board of Regents were received by the Academic Senate Personnel Committee and approved by the Faculty Senate on January 19, 1987.

Revisions proposed by the Constitution and Bylaws Review Committee were approved by the Academic Senate at its November 18, 1991, meeting by the Academic Assembly on February 11, 1992.

Approved with revision [removal of Section B(4)(b) of Bylaw I] by the Board of Regents on August 27, 1992.

Revisions approved by the Academic Senate at its April 15, 1996, meeting.

Revised document approved by the Academic Assembly on October 25, 2000.

Report of the Tellers Committee approved by the Senate Executive Committee on October 30, 2000.

Academic Senate accepts the report of the Tellers Committee on November 13, 2000.

Revisions approved by University President Coor on December 15, 2000.

Revisions proposed by the Constitution and Bylaws Review Committee [University Affairs Committee] were approved by the Academic Senate at its March 29, 2004 meeting.

Revisions proposed by the University Academic Council were approved by the Academic Senates of the Polytechnic, West, and Tempe/Downtown campuses at its March 17, 2008, meeting and ratified by the Academic Assembly as reported by designated tellers to the University Academic Council on May 7, 2008.

Bylaw III was amended and ratified by the University Senate on October 5, 2009.

Revisions proposed by Constitution and Bylaws Committee to the articles of the Constitution were approved by the University Senate at its meeting on September 9, 2013, and ratified by the Academic Assembly on April 30, 2014.

Revisions proposed by Constitution and Bylaws Committee to the Bylaws were approved by the Senate on April 28, 2014