

Policy Number: 1-101	Policy Name: Communications To or From the Board
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## GENERAL PROVISIONS

### A. GENERAL PROVISIONS

#### 1-101 Communications To or From the Board

- A. Communications to the Board from members of each university shall be directed through the president of the university. Members of the Board, when communicating with members of a university, shall keep the president of that university advised concerning such communications.
- B. Communications from the Board to members of the legislature, the press and the public should, whenever possible, be transmitted by and through the president of the Board. Inquiries in regard to matters upon which the Board has taken, or probably will take a position, should be referred to the president.
- C. There will be cases when an individual member of the Board will feel obligated to answer inquiries. In these cases, the member of the Board expressing an opinion as to matters upon which the Board has taken a position should support the position taken by the Board or make it perfectly clear that he or she is expressing an opinion which has not been approved by the Board.

Policy Number: 1-102	Policy Name: Lobbying
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## 1-102 Lobbying

- A. The Arizona Board of Regents recognizes and appreciates the privilege which each individual in this state and nation has to express his or her opinion and to seek to make that opinion known to members of the Congress and the state legislature. The Board also recognizes the responsibilities with which it has been entrusted in connection with the operation of our universities and the advancement of higher education in the state of Arizona and recognizes that on occasion the interests of the Board and the universities will not coincide with the interests of individual employees of the Board.
- B. In approaching members of the state legislature or the Congress, employees of the Board shall make every effort to indicate clearly that the position which they take is an individual position or is the position of a group other than the Arizona Board of Regents. In instances in which the Board has taken an official position, the employee or employee group endorsing a differing position shall make it clear to the legislative body that the Board has endorsed a different or contrary position.
- C. The university officials responsible for disbursement or allocation of state funds shall determine prior to disbursement or allocation that such funds will not be used for purposes of influencing legislation unless such use receives specific authorization by the Board.
- D. The Board shall make known to the appropriate members of the legislature that only the president of the Board or his or her designated delegate shall speak for the Board in matters relating to policy.
- E. This policy is not intended to nor shall it be enforced so as to restrict rights guaranteed to individual employees but is an attempt only to separate the views of those employees from positions which the Board may take in attempting to discharge its responsibilities under the Constitution and the statutes of the State of Arizona.

Policy Number: 1-103	Policy Name: Regents' Medal
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### 1-103 Regents' Medal

A medal, to be known as the "Regents' Medal," may be awarded by the Board from time to time in recognition of unusual educational accomplishments. The medal shall be awarded only upon the unanimous vote of all members of the Board by secret ballot. The medal shall be of such design as the Board may determine.

Policy Number: 1-104	Policy Name: Arizona 4-H Youth Foundation
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#### 1-104 Arizona 4-H Youth Foundation

The Arizona 4-H Youth Foundation may be established at the University of Arizona. The University of Arizona, the Board, and the state assume no liabilities or responsibilities for the establishment or operation of the Foundation program.

Policy Number: 1-105	Policy Name: Competition with Private Enterprise
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## 1-105 Competition with Private Enterprise

A. The following definitions shall apply to this section:

1. "Board" means the Arizona Board of Regents.
2. "Executive Director" means the Executive Director of the Board or a designee.
3. "Hearing Officer" means an individual appointed by the Executive Director to conduct a hearing in accordance with this Policy and to make a recommendation to the Board as to whether any violation of state law limiting competition with private enterprise has taken place and, if so, what remedial measures should be taken; such individual may not be an employee of the Board's Central Office or of any of the universities under the jurisdiction of the Board.
4. "Invited guests" means persons who enter onto a campus for an educational, research or public service activity, and not primarily to purchase or receive goods and services not related to the educational, research or public service activities of the campus.
5. "Private enterprise" means an individual, firm, partnership, joint venture, corporation, association or any other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services for profit.
6. "Public service" means an activity normally and generally associated with universities in this state, a purpose or significant result of which is not to engage in competition with private enterprise.
7. "Severe Financial Hardship" means demonstrated financial hardship directly resulting from the alleged improper activity of the university.
8. "State agency" means any department, office, commission, institution, board or other agency of state organization regardless of whether monies are appropriated to the agency.

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- B. Unless specifically authorized by statute, the universities shall not:
1. Provide to persons other than students, faculty, staff and invited guests goods, services or facilities that are practically available from private enterprise unless the provision of the goods, service or facility offers a valuable educational or research experience for students as part of their education or fulfills the public service mission of the university. This paragraph is not applicable to sponsoring or providing facilities for recreational, cultural, and athletic events or to facilities providing food services and sales.
  2. Enter competitive bidding for rendering any goods or services, unless a clear educational or research advantage would accrue to the state by the university rendering the goods or services. Any such bid shall fairly and fully allocate all direct and indirect costs unless the funding agency or sources provides for or requires all bidders to use a specific procedure or formula for allocating costs.
  3. Provide to students, faculty, staff or invited guests goods, services or facilities that are practically available from private enterprise except as authorized by the Board.
  4. Provide goods, services or facilities for or through another state agency or a local agency, including by intergovernmental agency agreement, in violation of this section.
- C. The universities shall post appropriately worded notices, conspicuously placed; in areas of the bookstores and other applicable locations, advising patrons of the limitations imposed by paragraph 1, Subsection B, and by applicable statutory requirements.
- D. A university may sell to wholesalers products and by-products which are an integral part of research or instruction conducted by the university. A university may sell such products or by-products directly to retailers or at retail to the public if:
1. The sale is an integral part of the particular research project or instructional program, or

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2. There is no other practical way of disposing by sale of the products or by-products, and
  3. Such products or by-products are sold at their market value.
- E. The following procedures shall govern complaints filed pursuant to A.R.S. 41-2753 concerning competition between a university and private enterprise:
1. A private enterprise aggrieved by an alleged violation of A.R.S. 41-2753 at any university, may file a complaint with the Board.
    - a. A complaint is deemed filed with the Board when received by the Executive Director at the Central Office of the Board.
    - b. A complaint filed with a university shall be promptly transmitted to and shall be deemed filed with the Board when received by the Executive Director.
  2. A complaint shall include at least the following:
    - a. The name, address and phone number of the complainant.
    - b. A short and plain statement of the particulars of the alleged violation of A.R.S. 41-2753 sufficient for the Board to identify the university activity alleged to be improper and the reasons why the complainant claims the activity is improper.
    - c. If an expedited hearing is requested, a short and plain statement of the reasons why the complainant claims that activity will cause severe financial hardship and all documentation to support such claim.
  3. After receiving the complaint, the Executive Director shall:
    - a. Determine if the complaint is subject to an expedited hearing process, in which case an accelerated schedule will be established for both the meet and confer process and the hearing.

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- b. Transmit a copy of the complaint to the university president.
    - c. Notify in writing both the complainant and the university that an opportunity will be provided for the parties to meet and confer for the purpose of reaching a settlement of the complaint. (See also Subsection F)
  4. If the Executive Director has not received notice of a settlement within 20 days after filing of the complaint, then the Executive Director shall appoint a hearing officer and give written notice to the university and the complainant of the time and place set for hearing the complaint and other pertinent information.
    - a. The hearing shall take place not more than 60 days after filing of the complaint.
    - b. Each party shall file a position paper with the hearing officer and transmit a copy to the other party to be received no later than ten days prior to the hearing date. Position papers shall not be accepted if not timely filed.
  5. At the hearing, each side may set forth its position and present documents and witnesses to support its position. The hearing officer shall preside over and conduct the hearing and shall rule upon all matters of procedure, including the admission of evidence. The hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
  6. The hearing shall be recorded manually or by a recording device and shall be transcribed upon the request of either party at that party's own expense.
  7. Upon completion of the hearing, the hearing officer shall prepare written findings of fact based exclusively on the evidence and shall make a determination as to whether the activity complained of violates the state law governing competition with private enterprise and if so, what remedial measures should be taken. The findings and recommendations shall be transmitted to the Board for its

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consideration no later than ten (10) days following the hearing. The Board shall render a final decision at its next regularly scheduled meeting and shall notify the complainant in writing of its decision. In making its decision, the Board may approve, disapprove, amend or modify the findings and recommendations of the hearing officer.

- F. At any time during the complaint process, the university may initiate discussions with the complainant to effect a reasonable settlement of the complaint. The university shall advise the Executive Director of any settlement reached with respect to a complaint. Upon receiving confirmation from the complainant, the complaint procedures shall then stop.
- G. The restrictions on activities which compete with private enterprise do not apply to:
  - 1. The Arizona Health Sciences Center operated by the University of Arizona, except in those cases where the Health Sciences Center provides prosthetic or medical devices, or services related to such devices and a surgical or medical procedure is not involved in the application of the device.
  - 2. The provision of free medical services or equipment to indigents in association with a community service health program.
  - 3. Public service radio and television stations licensed to the Board of Regents or the universities.
  - 4. Sponsoring or providing facilities for recreational, cultural, and athletic events or to facilities providing food services and sales.
- H. In the pricing of new goods and services by university auxiliary enterprises, all appropriate and applicable direct and indirect costs must be included in the billing rates for the following cases:
  - 1. The goods and services are intended for users other than the university community of faculty, staff and students;
  - 2. The goods and services are readily available from commercial vendors; and

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3. The goods and services are considered to be ancillary to the efficient operation of the university.

Exceptions to the above shall be submitted to the Arizona Board of Regents for approval.

- I. Each university shall develop procedures which require the president or his designee to give prior approval for the submission of any competitive bid. The purpose of the prior approval is to ensure compliance with the private enterprise statute, including:
  1. The requirement that the services to be provided will result in a clear educational or research advantage to the state; and
  2. The requirement that all direct and indirect costs be fairly and fully allocated.

Policy Number: 1-106	Policy Name: Guidelines for Consortia - Repealed
Policy Revision Dates: 6/92	Page 1

1-106 Guidelines for Consortia

Repealed

Policy Number: 1-107	Policy Name: Opinions of the Attorney General
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### 1-107 Opinions of the Attorney General

No request for an opinion of the Attorney General of the State of Arizona shall be made by anyone other than the Counsel to the Board without first securing the approval of the president of the Board and all such requests shall be routed through the office of the Counsel.

Policy Number: 1-108	Policy Name: Joint Conference Committee
Policy Revision Dates: 8/04	Page 1

## 1-108 Joint Conference Committee

- A. The Joint Conference Committee is composed of eight members, four representing the public universities and four representing the community colleges. University representatives include three Regents and one university President appointed by the Arizona Board of Regents. The Executive Director of the Arizona Board of Regents and the Executive Director of the Arizona Community College Association also serve as non-voting members. The Committee has been established to provide opportunities for communication and cooperation between the two systems and to improve the quality of public higher education in Arizona. The committee provides oversight to Arizona's transfer articulation system. Issues addressed by the Joint Conference Committee include, but are not limited to, articulation, transfer of credit, research, planning and programs.
- B. The Joint Conference Committee shall meet at least twice but not more than four times each year. The chairmanship alternates on a calendar year basis between a member designated by the Board of Regents and a community college representative. During each year, the agency or organization holding the chairmanship of the Committee shall be responsible for making arrangements for meetings and providing for the taking and distribution of minutes of those meetings. The Committee shall also convene, as necessary, meetings of representatives from the specific academic disciplines at the universities and community colleges to discuss articulation and planning for those disciplines. The Joint Conference Committee shall not employ any staff of its own but shall utilize staff of the Board of Regents and of the community colleges to perform necessary functions.

Policy Number: 1-109	Policy Name: Initiation of Litigation
Policy Revision Dates: 3/93, 5/92, 9/83	Page 1

## 1-109 Initiation of Litigation

- A. Only the Arizona Board of Regents as a body corporate has the capacity to sue and be sued. Accordingly, all litigation to be brought by the Arizona Board of Regents on its own behalf or on behalf of any of the universities over which the Board has jurisdiction shall be brought in the name of the Arizona Board of Regents.
- B. Litigation shall not be initiated in the name of the Arizona Board of Regents without specific authorization by the Board, except as provided in paragraphs E and F below. In an emergency, tentative approval to initiate the emergency litigation may be granted by the Board's Counsel after notification of the President of the Board. Any emergency litigation is subject to ratification by the Board at its next meeting.
- C. Prior to the time that authorization to initiate litigation is sought from the Board, the university shall advise Counsel to the Board of the need to seek such authorization and shall supply to Counsel to the Board a summary of the facts, the legal basis for the proposed litigation, the relief sought by the university, and whether the litigation should be handled under any existing agreement regarding the provision of legal services (e.g., an existing collections agreement). Counsel to the Board will then submit the request for authorization to the Board with Counsel to the Board's recommendation.
- D. Once the Board has acted on the request for authorization to initiate litigation, Counsel to the Board shall advise the university in writing of the Board's decision. If the Board has authorized the initiation of litigation, Counsel to the Board, in consultation with the President of the institution affected, shall designate the manner in which the legal services necessary to handle the litigation will be provided.
- E. In order to assist the universities in complying with federal regulations governing, and requiring universities to use due diligence in, the collection of amounts due federally funded loan programs, the universities under the Board's jurisdiction may initiate litigation without prior approval of the Board to assist in the collection of student loans when the delinquent account does not exceed \$25,000.

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- F. The universities may initiate litigation without prior approval of the Board where the amount in controversy does not exceed \$25,000.

Policy Number: 1-110	Policy Name: Accommodation of Religious Observance and Practice
Policy Revision Dates: 10/85	Page 1

## 1-110 Accommodation of Religious Observance and Practice

- A. No employee, agent, or institution under the jurisdiction of the Arizona Board of Regents shall discriminate against any student, employee, or other individual, because of such individual's religious belief or practice or any absence thereof.
- B. Administrators and faculty members are expected to reasonably accommodate individual religious practices. A refusal to accommodate is justified only when undue hardship would result from each available alternative of reasonable accommodation.
- C. No administrator or faculty member shall retaliate or otherwise discriminate against any student, employee or prospective employee because that individual has sought a religious accommodation pursuant to this policy.
- D. It is the responsibility of the president of each university, and the executive director of the Board as to the central staff, to take such actions as are necessary to insure that the intent of this policy is implemented. In implementing this policy, the president of each university shall insure that the policy is included in the university catalog and in such other publications as will assure that all members of the university community are advised of its existence, and the manner in which information regarding its implementation may be obtained.

Policy Number: 1-111	Policy Name: Departure from Board Policies
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1-111 Departure from Board Policies

- A. The president of a university desiring to depart from the policies and ordinances adopted by the Board shall submit a request in writing to the president of the Board.
  
- B. No departure from a Board policy or ordinance shall be permitted without the approval of the Board.

Policy Number: 1-112	Policy Name: Board Consent for Liquor Licenses
Policy Revision Dates:	Page 1

### 1-112 Board Consent for Liquor Licenses

The Board will not grant exemptions under the provisions of the Arizona Statutes stipulating that any license to sell alcoholic beverages within 300 feet of a public school building requires consent and recommendation for approval from the governing board of the school.

Policy Number: 1-113	Policy Name: Approval of Faculty Constitutions, Bylaws, and Regulations
Policy Revision Dates: 12/92	Page 1

### 1-113 Approval of Faculty Constitutions, Bylaws, and Regulations

The faculty constitution and all amendments thereto, together with bylaws or regulations adopted pursuant to the faculty constitution at each institution shall become effective when approved by the university president. The president's consideration of proposed revisions shall be preceded by written analyses by university counsel and by Board Counsel to determine consistency with Board Policies. In any case where a provision in the faculty constitution, a bylaw or a regulation conflicts with the policy of the Board, the policy of the Board shall govern.

Policy Number: 1-114	Policy Name: Call to the Audience Procedure
Policy Revision Dates: 5/92, 2/87	Page 1

## 1-114 Call to the Audience Procedure

- A. Notwithstanding Section 1-101, as part of the agenda for each regular meeting of the Board, thirty minutes shall be set aside to enable persons to address comments or make presentations to the Board at a Call to the Audience. The primary purpose of the Call to the Audience is for the Board to receive information. The President of the Board or a majority of the Board may extend the time for the Call to the Audience.
1. Any person wishing to make a presentation shall submit a written request to the Secretary to the Board on the form provided which must be received no later than ten minutes prior to the time of the scheduled meeting. The request shall: (a) identify the persons requesting to make the presentation and the organization, if any, the person is representing; (b) specify the topic to be addressed; and (c) identify whether the person or organization requesting to make the presentation has made a presentation to the Board at a Call to the Audience within the previous six months.
  2. Requests to appear before the Board shall be scheduled in the following order of priority until the available time is exhausted:
    - a. Individuals or organizational representatives who wish to address comments pertaining to a matter scheduled for Board action or discussion at that meeting;
    - b. Individuals or organizational representatives who wish to address comments pertaining to a matter which is not scheduled for Board action or discussion at that meeting, and who have not made a presentation on any topic at a Call to the Audience within the previous six months;
    - c. Individuals or organizational representatives who wish to address comments pertaining to a matter which is not scheduled for Board action or discussion at that meeting, and who have made a presentation on any topic at a Call to the Audience within the previous six months.
  3. Presentations shall generally be limited to not more than three minutes per speaker, as necessary to maintain order and to complete the Board's agenda, and notwithstanding the limitations

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imposed by subsection A.2 above, the President of the Board may impose other reasonable limitations, including but not limited to changing the order of priority, restricting or enlarging the amount of time allocated to individual speakers, and limiting the number of speakers provided an opportunity to address the Board on any one topic. The President may invoke such rules and take those actions deemed reasonably necessary to enable members of the public to address the Board in an orderly, non-disruptive environment.

- B. The Board shall not recognize any person wishing to comment on or make a presentation concerning a proposed policy or rule for which a designated time to receive oral public comment, other than at the Call to the Audience, has been established.
- C. Generally, the Board will not respond to comments or presentations made at the Call to the Audience, but may refer matters to its staff or to university personnel for study or recommendations.
- D. The Board welcomes the submission of written comments at any time on matters not otherwise scheduled for Board action or consideration. At the discretion of the President of the Board, such matters may be scheduled for discussion or consideration at a subsequent Board meeting.
- E. Persons wishing to submit written comments, whether in lieu of or in connection with an appearance at the Call to the Audience, are requested to do so by filing their material with the Secretary to the Board. The Secretary to the Board will acknowledge the receipt of written comments and distribute copies to all Board members.
- F. A copy of this policy shall be posted in advance of the meeting at the location where the Call to the Audience is to be conducted.

Policy Number: 1-115	Policy Name: Non-Academic Program Review
Policy Revision Dates: 10/92	Page 1

### 1-115 Non-Academic Program Review

There shall be a process developed for periodically reviewing non-academic programs at each university. The Executive Director, in cooperation with the Presidents, shall promulgate procedures for a minimum process, to include:

- A. Appointments of a Review Committee;
- B. Elements to be included in a self-study;
- C. Evaluation Criteria; and
- D. Timeframe for completing the review.

Each year, after consultation with the Presidents, the Executive Director shall identify two non-academic programs for review at each university. The Executive Director will notify the Board and the Presidents of the selected programs. The results of the program reviews shall be presented to the Board.

Policy Number: 1-116	Policy Name: Settlement of Claims and Litigation
Policy Revision Dates: 3/93	Page 1

## 1-116 Settlement of Claims and Litigation

A claim or litigation to which the Board is a party and for which self-insurance is not provided through the state risk management program may be settled in accordance with the following guidelines:

- A. If the university's contribution to any financial settlement does not exceed \$25,000 then the settlement may be approved by the university president without Board approval.
- B. If the university's contribution to any proposed financial settlement exceeds \$25,000, then the settlement shall be submitted for Board approval.

Policy Number: 1-117	Policy Name: Naming of Facilities and Programmatic Units for Individuals or Organizations
Policy Revision Dates: 1/00, 6/99	Page 1

## 1-117 Naming of Facilities and Programmatic Units for Individuals or Organizations

- A. The University Presidents shall have the authority to approve the naming of university facilities and programmatic units for individuals or organizations. Facilities shall include, but not be limited to, buildings, structures, thoroughfares, areas, classrooms, offices, or other spaces within facilities.
- B. Naming of all facilities and programmatic units for individuals and organizations shall be accomplished in accordance with Board-approved guidelines.
- C. Each university shall develop an appropriate internal review mechanism in accordance with this policy and the Board-approved guidelines.
- D. The University Presidents shall exercise discretion in providing advance notice to the Board and the Executive Director of the names of the individuals and organizations who are considered for naming opportunities.
- E. Appropriate Board recognition shall be provided to all naming recipients.