Wednesday, September 21, 2016

10:30 a.m. – 12:00 p.m. Legislative Affairs Committee Meeting – Humphreys Room

11:30 a.m. – 1:30 p.m. Lunch Available – Agassiz Room

12:30 p.m. – 2:30 p.m. Business and Finance Committee Meeting – Humphreys Room

2:45 p.m. – 4:45 p.m. Academic and Student Affairs Committee Meeting – Humphreys Room

5:00 p.m. – 7:00 p.m. Executive Session – Rees Room
                   (EEC Review of Assignments)

Thursday, September 22, 2016

8:00 a.m. – 9:00 a.m. Executive Session – Rees Room
                   (President Hart Review of Assignments)

9:15 a.m. – 12:00 p.m. ABOR Meeting – Humphreys room

12:00 p.m. – 2:00 p.m. Staff Lunch – Agassiz Room

12:15 p.m. – 2:45 p.m. Executive Session – Rees Room
                   (12:15 - 1:15 p.m. – President Crow Review of Assignments)  
                   (1:15 - 2:15 p.m. – President Klein Review of Assignments)

3:00 p.m. – 5:00 p.m. ABOR Meeting – Humphreys Room

5:15 p.m. – 7:15 p.m. Executive Session – Rees Room
                   (President Cheng Review of Assignments)

Friday, September 23, 2016

8:00 a.m. – 9:00 a.m. Faculty Breakfast – Agassiz Room

9:15 a.m. – 10:30 a.m. ABOR Meeting – Humphreys Room

10:30 a.m. – 11:00 a.m. [Transportation for Regents to Applied Research and Development Building for remainder of the Board Meeting]

11:00 a.m. – 2:00 p.m. ABOR Meeting – Applied Research and Development Building -- Large Pod
Wednesday, September 21, 2016

5:00 p.m. CALL TO ORDER

5:05 p.m. RECESS INTO EXECUTIVE SESSION

Thursday, September 22, 2016

9:15 a.m. GREETINGS AND ANNOUNCEMENTS FROM THE BOARD CHAIR

9:30 a.m. NORTHERN ARIZONA UNIVERSITY PRESIDENT’S WELCOME

9:45 a.m. 1. ABOR PRESIDENT’S REPORT

   ABOR President Eileen Klein will provide her report to the board.

10:15 a.m. CALL TO THE AUDIENCE

   Per board policy 1-114, time has been set aside for Call to the Audience, an opportunity for people to express their views or concerns on matters of board governance to the entire board in a public setting.

10:45 a.m. 15-MINUTE BREAK

11:00 a.m. BUSINESS AND FINANCE COMMITTEE

2. Report on the Business and Finance Committee Meeting

   Regent Myers will report on September 21, 2016 Business and Finance Committee meeting.

3. FY 2018 State Budget Requests

   The board is asked to review and approve the 2017-18 state budget requests.
4. **FY 2018-2020 Capital Improvement Plans (ASU, NAU, UA)**

Arizona State University, Northern Arizona University and the University of Arizona ask the board to approve their FY 2018-2020 Capital Improvement Plans (ASU, NAU, UA)

**A. Arizona State University**
Arizona State University asks the board to approve its FY 2018-2020 Capital Improvement Plan. The ASU Capital Improvement Plan includes one first-year project totaling $30.0 million.

**B. Northern Arizona University**
Northern Arizona University asks the board to approve its FY 2018-2020 Capital Improvement Plan.

**C. University of Arizona**
The University of Arizona asks the board to approve its FY 2018-2020 Capital Improvement Plan.

11:25 a.m. **VOTER REGISTRATION AND PARTICIPATION PRESENTATION BY SECRETARY OF STATE**

11:45 a.m. **LEGISLATIVE AFFAIRS COMMITTEE**

5. **Report on the Legislative Affairs Committee Meeting**

Regent Shoopman will report on the September 21, 2016 Legislative Affairs Committee meeting.

6. **2017 Enterprise Lobbying Principles**

The board office and the universities ask the board to approve the 2017 Enterprise Lobbying Principles.

7. **2017 Enterprise Legislative Agenda**

The Enterprise Executive Committee asks the board to approve the 2017 enterprise legislative agenda.

12:00 p.m. **RECESS**

3:00 p.m. **ACADEMIC AND STUDENT AFFAIRS COMMITTEE**

8. **Report on the Academic and Student Affairs Committee Meeting**

Regent Ridenour will report on the September 21, 2016 Academic and Student Affairs Committee meeting.
9. **Proposed Revisions to ABOR Policy 2-121 “Undergraduate Admissions” (First Reading)**

The board office and the universities ask the board to review on first reading the proposed revisions to ABOR Policy 2-121 “Undergraduate Admissions.”

3:25 p.m. **REGENTS EXECUTIVE COMMITTEE**

10. **Report on the Regents Executive Committee Meeting**

Regent Patterson will report on the September 1, 2016 Regents Executive Committee meeting.

11. **Amendments to Presidents’ Contracts**

The board office asks the board to approve proposed amendments to the presidents’ contracts.

12. **Update on University of Arizona Presidential Search and Approval of Search Guidelines**

The board office asks the board to approve the University of Arizona Presidential Search Guidelines.

4:00 p.m. **HEALTH AFFAIRS COMMITTEE**

13. **Report on the Health Affairs Committee Meetings**

Regent Ridenour will report on the August 5 and August 12, 2016 Health Affairs Committee meetings.

4:30 p.m. **STUDENT REGENT REPORT**

4:40 p.m. **REPORT FROM THE ARIZONA FACULTIES COUNCIL**

4:50 p.m. **ADOPTION OF ALL CONSENT AGENDA ACTION ITEMS AND ACCEPTANCE OF CONSENT INFORMATION ITEMS**

All items on the Consent Agenda are listed at the end of this agenda, underlined and marked with an asterisk. These items will be considered by a single motion with no discussion. All other items will be considered individually.

4:55 p.m. **INQUIRIES, REQUESTS, REPORTS, AND COMMENTS FROM REGENTS AND MEMBERS OF THE ENTERPRISE EXECUTIVE COUNCIL**

5:00 p.m. **RECESS**
Friday, September 23, 2016

9:15 a.m.  NORTHERN ARIZONA UNIVERSITY’S FY 2016-2017 OPERATIONAL AND FINANCIAL REVIEW


Northern Arizona University and the board office ask the board to accept their Fiscal Year 2016-2017 operational and financial review composed of the background report, written business plan and public presentation and strategic discussion.

10:30 a.m.  30-MINUTE BREAK

2:00 p.m.  ADJOURN

CONSENT AGENDA

These items were considered by a single motion with no discussion and approved earlier in the meeting.

*Minutes
a. June 28, 2014 Special Meeting
b. April 6-8, 2016 Executive Session
c. June 22, 2016 Special Meeting
d. August 19, 2016 Special Meeting

BUSINESS AND FINANCE COMMITTEE


The board office asks the board to review on first reading proposed revisions to ABOR Policies 3-411 “Annual Report on Debt Capacity,” 3-501 “Board Action Required,” and 7-102 “Overview of the Capital Development Process and Phases” to implement new statutory authority to use commercial paper and lines of credit.

16. *Amendment to Parking License Agreement to Acquire Additional Spaces from the City of Phoenix in the PBC Garage (UA)

The University of Arizona asks the board to approve an amendment to the Parking License Agreement between UA and Boyer Phoenix Parking, LLC (“Boyer”), to allow the City of Phoenix to transfer 268 spaces that are currently licensed by the City from Boyer to the UA.
17.  *Acquisition of Property from the University of Arizona Foundation (UA)*

The University of Arizona asks the board to approve the purchase of the real property located at 714 E. Van Buren Street in Phoenix, Arizona, from the University of Arizona Foundation.

18.  *Purchase of Real Property from OneAZ Credit Union (NAU)*

Northern Arizona University asks the board to approve the purchase of real property located contiguous to the campus on the north side from OneAZ Credit Union for $1,850,000.

19.  *FY 2016 Technology and Research Initiative Fund Annual Report*

The board office and the universities ask the board to approve the FY 2016 Technology and Research Initiative Fund Annual Report.

20.  *Proposed New ABOR Policy 8-208 “Fees for Services” Regarding the Arizona State Museum (First Reading)*

The board office asks the board to review on first reading the proposed new ABOR Policy 8-208 “Fees for Services” regarding the Arizona State Museum.

21.  *Proposed Revisions to ABOR Policy Chapter III, Article H- University Procurement Code (First Reading)*

The board office asks the board to review on first reading the proposed revisions to ABOR Policy Chapter III, Article H - the University Procurement Code.

22.  *Central Plant Emergency Power System Upgrades Project Approval (ASU)*

Arizona State University asks the board for Project Approval of the Central Plant Emergency Power System Upgrades project. This $5,828,000 capital project will be financed with system revenue bonds.

**ACADEMIC AND STUDENT AFFAIRS COMMITTEE**

23.  *7-Year Academic Program Review Reports (ASU, NAU, UA)*

The universities ask the board to approve the summary reports of the 7-Year Academic Program Reviews for each university completed during the 2015-2016 academic year.
24. *Proposed Revisions to ABOR Policy 4-203, “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes,” Related to Participants in the AmeriCorps and Volunteers in Service to America Programs (Second Reading)*

The board office asks the board to approve the proposed revisions to ABOR Policy 4-203, “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes.” The revisions to ABOR Policy 4-203 make the policy consistent with recent legislative amendments to A.R.S. § 15-1802 related to participants in the AmeriCorps and Volunteers in Service to America Programs.

25. *Proposed Revisions to ABOR Policy 2-224 Academic Credit,” Related to Awarding Academic Credit for Military Services (Second Reading)*

The board office asks the board to approve the proposed revisions to ABOR Policy 2-224, “Academic Credit.” The revisions align the policy with recent state legislation that established A.R.S. § 15-1897 related to college credit for military service.

26. *Proposed Revision to ABOR Policy 2-220 “Awarding of Degrees” (Second Reading)*

The board office asks the board to approve a revision to ABOR Policy 2-220, “Awarding of Degrees.”

27. *Addendum to the 2015-2016 Academic Strategic Plan for Northern Arizona University (NAU)*

Northern Arizona University asks the board to approve the proposed addendum to its 2015-2016 Academic Strategic Plan.

28. *Addendum to the 2016-2017 Academic Strategic Plan for Arizona State University (ASU)*

Arizona State University asks the board to approve the proposed addendum to its 2016-2017 Academic Strategic Plan.

29. *College Credit by Examination Incentive Program*

The board office asks the board to approve the list of proposed subjects that high school teachers may teach to be eligible for the teacher incentive bonuses pursuant to A.R.S. § 15-249.06 and to approve additions to or deletions from the list annually.
30. **Proposed Revisions to ABOR Policy 4-323 “Tuition Waiver Scholarships and Institutionally Supported Financial Aid Programs – Student Financial Aid” (First Reading)**

The board office asks the board to review on first reading proposed revisions to ABOR Policy 4-323 regarding waivers of graduate tuition for Purple Heart recipients and medically discharged Arizona National Guard members.

REGENTS EXECUTIVE COMMITTEE

31. **FY 2018 Annual Personnel Report**

The board office asks the board to approve the FY 2018 Annual Personnel Report for the Arizona University System.

ADMINISTRATIVE BUSINESS

32. **Proposed Repeal of ABOR Policy 3-206 “Agreements with Agencies of Foreign Countries” (Second Reading)**

The board office asks the board to repeal ABOR Policy 3-206, “Agreements with Agencies of Foreign Countries.” The board will maintain oversight of global engagement by the universities through the operational and financial review process.

ADJOURNMENT

Approximately 2:00 p.m.

PLEASE NOTE: This agenda may be amended at any time prior to 24 hours before the board meeting. Estimated starting times for the agenda items are indicated; however, discussions may commence, or action may be taken, before or after the suggested times. Any item on the agenda may be considered at any time out of order at the discretion of the board chair. The board may discuss, consider, or take action regarding any item on the agenda. During the public meeting, pursuant to A.R.S. §38-431.03 (A)(3), the board may convene in executive session for legal advice regarding any item on the agenda.

The following board meeting schedule also reflects Wednesday committee meetings:

**Meeting Schedule for 2016-2017**

<p>| November 16-18, 2016 | UA | February 1-3, 2017 | ASU |
| April 5-7, 2017 | UA | June 7-9, 2017 | NAU |</p>
<table>
<thead>
<tr>
<th>Meeting Schedule for 2017-2018</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>September 27-29, 2017</td>
<td>NAU</td>
<td>November 15-17, 2017</td>
</tr>
<tr>
<td>February 7-9, 2018</td>
<td>ASU</td>
<td>April 4-6, 2017</td>
</tr>
<tr>
<td>June 13-15, 2018</td>
<td>NAU</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Meeting Schedule for 2018-2019</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>September 26-28, 2018</td>
<td>NAU</td>
<td>November 14-16, 2018</td>
</tr>
<tr>
<td>February 6-8, 2019</td>
<td>ASU</td>
<td>April 10-12, 2019</td>
</tr>
<tr>
<td>June 12-14, 2019</td>
<td>NAU</td>
<td></td>
</tr>
</tbody>
</table>
EXECUTIVE SESSION AGENDA
September 21-22, 2016

NOTE: This agenda may be amended at any time prior to 24 hours before the Board meeting. The executive session is scheduled for 5:00 p.m. on Wednesday, September 21, 2016; 8:00 a.m., 12:15 p.m. and 5:15 p.m. on Thursday, September 22, 2016. The executive session may be recessed and continued as necessary.

Statutory Authorization
A.R.S. §38-431.03   Items to be Discussed

(A.2) I. Review of minutes of previous Executive Session(s)

II. From the Board, Board Office Staff or Counsel to the Board

(A.3 & 4) A. Report on pending or contemplated litigation

(A.1, 3, 4) B. Review of Assignments – Presidents

(A.3) C. Legal advice and update regarding status of the external evaluation related to the UA Colleges of Medicine.

(A.2 & 3) D. Legal advice and update regarding UA presidential search.

PLEASE NOTE: This agenda may be amended at any time prior to 24 hours before the meeting. Estimated starting times for the agenda items are indicated; however, discussions may commence before or after the suggested time. Any item on the agenda may be considered at any time out of order at the discretion of the Chair. Pursuant to A.R.S. §38-431.03 (A)(3) the board may convene in Executive Session at any time during the meeting to receive legal advice regarding any item on the agenda.

Instruction re: Confidentiality

Pursuant to A.R.S. §38-431.03(B) & (C) all are reminded that minutes of and discussions that occur in executive sessions are confidential by law and that violations of that confidentiality may subject the individuals involved to such penalties as are prescribed by law, including fines, costs, attorneys’ fees, and removal from office.
Item Name: ABOR President’s Report

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: ABOR President Eileen Klein will provide her report to the board.

Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other: Board President report to the board

There are no written materials for this item.

Requested Action

This item is provided for discussion only. No action is required by the board.
EXECUTIVE SUMMARY

Item Name: Report on the Business and Finance Committee Meeting

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☒ Information or Discussion Item

Issue: Regent Myers will report on the September 21, 2016 Business and Finance Committee meeting.

Enterprise or University Strategic Plan
(Check the element(s) of the strategic plan that this item supports or advances)

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Committee Report

There are no written materials for this item.

Agenda Highlights
Business and Finance Committee
Wednesday, September 21, 2016

1. Approval of Minutes
2. FY 2018 State Budget Requests (ASU, NAU, UA, ABOR)
3. TRIF Annual Report (FY 2016)
4. FY 2018-2020 Capital Improvement Plans (ASU, NAU, UA)

Contact Information:
John Arnold john.arnold@azregents.edu 602-229-2507
EXECUTIVE SUMMARY

5. Purchase of Real Property from OneAZ Credit Union (NAU)

6. Acquisition of Property in Phoenix from the University of Arizona Foundation (UA)

7. Amendment to Parking License Agreement to Acquire Additional

8. Central Plant Emergency Power System Upgrades Project Approval (ASU)


10. Proposed Revisions to ABOR Policy 3-801 – 3-810 “The University Procurement Code” (First Reading)

11. Proposed Adoption of New ABOR Policy 8-208 “Fees for Services”

Requested Action

This item is provided for information only. No action is required by the board.
EXECUTIVE SUMMARY

Item Name: FY 2018 State Budget Requests

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board is asked to review and approve the 2017-18 state budget requests

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

A.R.S. §35-114—Submission of Budget Estimates
A.R.S. §15-1626—General Administrative Powers and Duties of the Board
A.R.S. §15-1642—Arizona Financial Aid Trust
A.R.S. §15-1742—WICHE
ABOR Policy 3-401—Legislative Budget Request

Background

• The Enterprise Executive Committee comprised of the university presidents and ABOR president, developed the FY 2018 proposed budget for the board’s consideration as required by board policy.
The Enterprise Executive Committee’s recommendations for the 2017 state budget requests were presented to the Business and Finance committee at its September 21, 2016 meeting. The committee recommended forwarding this item to the full board for approval.

Discussion

- Beginning in FY 2017, the board adopted a new model by which to request state appropriations in support of public universities. The new model was developed by the Enterprise Executive Committee in response to Governor Ducey’s request of the board to develop a “sustainable-enterprise financial model that counts on the state as one of many investors.”

- The model identifies the state’s investment interest as providing university access for Arizona residents. Therefore, state investments are defined in terms of per resident student support.

- Historically universities relied heavily on state investments and prior to the recession, the state funded approximately 72 percent of a resident student’s cost of education.

- Currently the state funds approximately 34 percent of the cost of education. Recognizing that state finances will not permit a return to the 72 percent funding level in the near future, and the universities have some ability to subsidize resident students with other revenue streams, the universities have requested the state fund 50 percent of a resident student’s cost of education. That calculation is shown below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average education cost:</td>
<td>$15,550</td>
</tr>
<tr>
<td>50 percent of costs:</td>
<td>$7,775</td>
</tr>
<tr>
<td>Current state funding level:</td>
<td>$5,361</td>
</tr>
<tr>
<td>Shortfall</td>
<td>$2,414</td>
</tr>
</tbody>
</table>

- In order to achieve the 50 percent funding goal at current FTE counts, the state would need to increase state appropriations by $233,553,500.

Recommendation

- For FY 2018, the proposed resident student budget request sets 2020 as the year in which the state will reach the 50 percent funding goal.

- To accomplish that, the state will need to make progress on the total funding amount above the current base appropriation of $698.4 million towards the
$233.6 million. Using a three-year “phase in”, the amount requested in new state appropriations for progress toward goal in FY 2018 is $77.8 million system wide, as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 Request</th>
<th>FY 2019 Request</th>
<th>FY 2020 Request</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASU</td>
<td>$41,507,925</td>
<td>$41,507,925</td>
<td>$41,507,925</td>
<td>$124,523,775</td>
</tr>
<tr>
<td>NAU</td>
<td>$15,851,933</td>
<td>$15,851,933</td>
<td>$15,851,933</td>
<td>$47,555,799</td>
</tr>
<tr>
<td>UA</td>
<td>$20,491,642</td>
<td>$20,491,642</td>
<td>$20,491,642</td>
<td>$61,474,926</td>
</tr>
<tr>
<td>Total</td>
<td>$77,851,500</td>
<td>$77,851,500</td>
<td>$77,851,500</td>
<td>$233,554,500</td>
</tr>
</tbody>
</table>

- The state must also recognize not just existing resident students but new resident students so as not to lose ground on its progress towards the 50 percent goal. This is consistent with other major state funding formulas that support services and programs for individuals, such as K-12, AHCCCS and DES, which increase base appropriations each year to accommodate new qualified individuals. Funding caseload growth will align the resident student funding model with these other state funding models, and for the reasons enumerated in our request last year, allow the state to fund individuals rather than institutions. For budgeting purposes, the model defines growth as fall 2016 resident student counts over fall 2015. This year, the system added 1,773 new resident FTE.

- Including growth, the full operating request is:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ASU</td>
<td>$45,925,400</td>
</tr>
<tr>
<td>NAU</td>
<td>$20,939,500</td>
</tr>
<tr>
<td>UA</td>
<td>$20,491,600</td>
</tr>
<tr>
<td>Total</td>
<td>$87,356,500</td>
</tr>
</tbody>
</table>

- The FY 2017 state appropriation includes $19 million in one-time funds. That appropriation does not continue in FY 2018. Therefore, if the $87 million request is funded, the net increase in appropriation will only be $68 million.
Capital

- The university system is facing a capital crisis with over $671 million in unmet renewal needs including high priority items such as fire alarms, roofs, and asbestos abatement. Further, student growth and expanded research missions continue to create needs for additional square footage. For FY 2018, the universities request one-time capital funding to address current critical capital needs and ongoing seed monies to begin to address future research and educational expansions.

- **Critical Building Renewal:** Recognizing the fiscal position of the state, the universities request a one-time capital appropriation of $30.1 million to address top priority items. Dollars will be divided between the universities based on a formula that includes deferred maintenance, student counts, research levels, and a building condition index. The allocations are as follows:
  
  - ASU: $12.2 million
  - NAU: $5.7 million
  - UA: $12.2 million

- The dollars will be used to address identified critical deferred maintenance issues. Lists of these projects are attached.

- **Future Infrastructure Investment:** Over the next ten years, Arizona public universities expect to add another 61,000 students and expand the research mission by more than $500 million. Driven by the growing demand for higher education and Arizona’s higher education attainment goals, these initiatives support the improving Arizona economy, expand higher education access for Arizona’s youth, create higher paying jobs, add to entrepreneurial activity in the state and maintain Arizona’s universities as top-tier institutions.

- To accommodate the required growth, Arizona’s public universities are developing a long-term strategy for funding infrastructure needs. This strategy recognizes in addition to university funds and private funding campaigns, the state must be a critical partner. Over the upcoming months, the universities will engage the state in a dialogue to identify what role the state can play in meeting these capital needs.

Statutory Formulas

- In addition to the Arizona Board of Regents budget request, the budget request will report the results of two preexisting funding formulas.
EXECUTIVE SUMMARY

- **Building Renewal:** A.R.S. §41-793.01 requires the JLBC to establish a building renewal funding formula for the state building systems, including the ABOR building system. That formula is based on age, replacement value and expected useful building life. For FY 2018, the formula calculation equates to $140.6 million.

- **Arizona Financial Aid Trust:** A.R.S. §15-1642 established the AFAT fund consisting of student fees and state appropriated funds. This trust fund is used to: (1) provide aid to students with verifiable financial needs, including students who are underrepresented in the population of the university; (2) assist students who, by virtue of their special circumstances, present a unique need for financial aid; and (3) create an endowment for future financial aid.

The established formula calls for the state to provide a two-to-one match of the collected student fees. For FY 2018, the calculated state match is based on actual student fees collected during FY 2016. The FY 2017 appropriation, which is unchanged from the FY 2016 appropriation is $10.1 million, which is $20.5 million short of the statutory formula.

<table>
<thead>
<tr>
<th></th>
<th>ASU</th>
<th>NAU</th>
<th>UA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016 Student Fees</td>
<td>$9,109,200</td>
<td>$2,017,900</td>
<td>$4,153,700</td>
<td>$15,280,800</td>
</tr>
<tr>
<td>FY 2018 AFAT GF Formula</td>
<td>$18,218,400</td>
<td>$4,035,800</td>
<td>$8,307,400</td>
<td>$30,561,600</td>
</tr>
<tr>
<td>FY 2017 Appropriation</td>
<td></td>
<td></td>
<td></td>
<td>$10,041,200</td>
</tr>
<tr>
<td>FY 2017 Shortfall</td>
<td></td>
<td></td>
<td></td>
<td>$20,520,400</td>
</tr>
</tbody>
</table>

**Other Budget Elements**

- The state also provides funding for the following ABOR programs. The current budget proposal does not include additional resources for these programs.

- **WICHE student subsidies (current appropriation is $4,094,000):** The Western Interstate Commission for Higher Education (WICHE) provides partial financial support and preferential access for Arizona residents who choose careers in certain health professions, which are not available at Arizona’s three public universities. The current appropriation level supports 171 students. At its peak (FY 2008), the program supported 203 students.

- **Arizona Transfer Articulation Program (current appropriation is $213,700):** Established by A.R.S. §15-1824, ATASS is a joint initiative among public community colleges and universities to facilitate the efficient transfer of course credits.
EXECUTIVE SUMMARY

- Arizona Teachers Incentive Program (current appropriation is $90,000): The Arizona Teachers Incentive Program (ATIP) is a loan forgiveness program at UA College of Education for students of deaf and blind education. Students may earn forgiveness by teaching in an Arizona deaf and blind program post-graduation. Statute requires $50,000 be distributed to 10 students at $5,000 per student. The balance is used for instructional support.

The State’s Position

- In the FY 2017 appropriations report, JLBC published the below budget estimates.

<table>
<thead>
<tr>
<th></th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>FY 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ending Balance</td>
<td>$224,983,500</td>
<td>$65,904,600</td>
<td>$144,809,200</td>
<td>$417,542,500</td>
</tr>
<tr>
<td>Structural Balance</td>
<td>($92,028,700)</td>
<td>$2,527,300</td>
<td>$103,021,600</td>
<td>$272,271,700</td>
</tr>
</tbody>
</table>

- JLBC also reported in the July Fiscal Highlights that through June, revenues are running just below forecast and expenditures are above forecast. These results are preliminary, but final results should not vary much from this position. This means there will be between $100 million and $130 million in perceived state spending capacity for FY 2018.

- The $19 million in one-time funds the system received in FY 2017 only counts toward the FY 2017 ending balance. Both FY 2018 and FY 2019 assume the one-time funds are not spent. The proposed request attempts to consider the state’s anticipated financial position.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

The proposed FY 2018 request for state appropriations is forwarded by the Enterprise Executive Committee for the Board’s consideration. The board is requested to approve the FY 2018 State Budget Request for submittal to the Governor’s Office of Strategic Planning and Budgeting (OSPB) and the Joint Legislative Budget Committee (JLBC) by October 1.
## ARIZONA STATE UNIVERSITY
### CAPITAL INVESTMENT PLAN

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical roof and building system replacements</td>
<td>$10,690,000</td>
</tr>
<tr>
<td>Utility system upgrades</td>
<td>1,310,000</td>
</tr>
<tr>
<td>Installation of Firestop system within existing Telecommunication Rooms throughout ASU.</td>
<td>200,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,200,000</strong></td>
</tr>
</tbody>
</table>
## Northern Arizona University - FY18 Critical Capital Infrastructure Budget Request

### Utility Infrastructure

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical</td>
<td>Aging Transformer and Wiring</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
<td>Power Monitoring System Upgrade</td>
<td>30,000</td>
</tr>
<tr>
<td></td>
<td>S. Campus Main Breaker Replacement</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>Power Monitoring System Expansion</td>
<td>60,000</td>
</tr>
<tr>
<td>Plumbing</td>
<td>Reroute Fieldhouse Waterline</td>
<td>325,000</td>
</tr>
<tr>
<td></td>
<td>Sewer Replacements</td>
<td>70,000</td>
</tr>
<tr>
<td></td>
<td>Replace aging lines and valves older than 1960</td>
<td>3,500,000</td>
</tr>
<tr>
<td></td>
<td>Storm Water Issues</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
<td>Hydrant Repair and Replacement</td>
<td>50,000</td>
</tr>
<tr>
<td></td>
<td>Isolation Valve Replacements</td>
<td>50,000</td>
</tr>
<tr>
<td>Gas</td>
<td>N. Plant and NW Supply Regulating Station Replacement</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>24 Line Issues</td>
<td>25,000</td>
</tr>
<tr>
<td>Steam</td>
<td>Tunnel Safety Repair and Clean Up</td>
<td>150,000</td>
</tr>
<tr>
<td></td>
<td>Valve and PRV Replacements</td>
<td>40,000</td>
</tr>
<tr>
<td>HTHW</td>
<td>Replace System and Recirc pumps</td>
<td>450,000</td>
</tr>
<tr>
<td></td>
<td>System Valves</td>
<td>100,000</td>
</tr>
<tr>
<td>Chilled Water</td>
<td>N. Plant Control System</td>
<td>115,000</td>
</tr>
</tbody>
</table>

Total: 5,440,000

### Fire Life and Safety / Code Compliance

- **1.50**
- Listing of Elevators, and Fire Alarm system would need to exclude $5M identified for FY17 Appropriation
- FY17 listing included $2.9M necessary for Fire Sprinklers and Alarms
- FY17 listing included $4.4M necessary for Elevators

### Campus Wiring Upgrades

- **0.40**
- Listing of projects by building would need to exclude $5M identified for FY17 Appropriation
  - DuBois Student Center – $76,000
  - Geology Building and Annex $99,000
  - Riles Building - $122,000
  - Rolle Activity Center – $84,000
  - Social and Behavioral Sciences Building, West – $296,000
  - University Union – $179,000
- Total: $856,000

### Academic Building Improvements

- **1.80**
- Projects to improve instructional spaces and expand existing building capacity to be identified.

### Roofing Projects

- **1.00**
- Roofing projects to be identified but could include
  - Skydome: 3,000,000
  - Facility Services Building: 2,228,000
  - Ponderosa Building: 230,000
  - Wetteaw: 186,000
  - Adel: 419,000
- Total: 6,063,000
<table>
<thead>
<tr>
<th>Fire Systems</th>
<th>Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art, Art Museum, Art Gallery #2 / 2A, Fire Alarm</td>
<td>$1,392,125.52</td>
<td></td>
</tr>
<tr>
<td>Music #4, Fire Alarm</td>
<td>$1,683,677.24</td>
<td></td>
</tr>
<tr>
<td>Arizona State Museum North #26, Fire Alarm</td>
<td>$1,822,277.73</td>
<td></td>
</tr>
<tr>
<td>Mines, Geology #11 / 12, Fire Alarm</td>
<td>$1,696,493.52</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sub-Total</strong></td>
<td><strong>$6,594,574.01</strong></td>
</tr>
<tr>
<td>Electrical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Museum (26) - SES replacement</td>
<td>$564,004.87</td>
<td>Electrical Service Entrance System, all circuit breaker panels are in need of upgrading.</td>
</tr>
<tr>
<td>Old Chem (41) - Electrical SES replacement</td>
<td>$464,004.87</td>
<td>Electrical Service Entrance System and circuit breaker panels are obsolete and end of life - Trumble Electrical equip. - TX is 4160v</td>
</tr>
<tr>
<td>Ina Gittings (93) - Electrical SES replacement</td>
<td>$364,004.87</td>
<td>Electrical Service Entrance System is end of life and obsolete</td>
</tr>
<tr>
<td>Harshbarger and Mines (11/12) - Electrical SES replacement</td>
<td>$364,004.87</td>
<td>Electrical Service Entrance System is end of life</td>
</tr>
<tr>
<td>Library Science (74) - Electrical SES replace/upgrade</td>
<td>$44,004.87</td>
<td>Electrical equipment not outdoor rated and close to experiencing failure</td>
</tr>
<tr>
<td>Life Sciences North (221)</td>
<td>$764,004.87</td>
<td>Relocate generator (1990) from building, remove UST.</td>
</tr>
<tr>
<td>Main Library (55)</td>
<td>$339,004.87</td>
<td>Replace generator (1976) - Obsolete equipment</td>
</tr>
<tr>
<td>Engineering fees</td>
<td>$289,004.91</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sub-Total</strong></td>
<td><strong>$3,192,039.00</strong></td>
</tr>
<tr>
<td>Elevators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Science Library (54)</td>
<td>$345,103.90</td>
<td>Hydraulic elevators #1, #2 and #3</td>
</tr>
<tr>
<td>McClelland Hall (108)</td>
<td>$285,103.90</td>
<td>Hydraulic elevators #1 and #2</td>
</tr>
<tr>
<td>Bio Science West (88)</td>
<td>$245,103.90</td>
<td>Traction elevator #3</td>
</tr>
<tr>
<td>Computer Center (73)</td>
<td>$245,103.90</td>
<td>Traction elevator #1</td>
</tr>
<tr>
<td>Gould Simpson (77)</td>
<td>$360,103.90</td>
<td>Traction elevators #1 and #2</td>
</tr>
<tr>
<td>AHSC (201)</td>
<td>$130,103.90</td>
<td>Hydraulic elevator #9</td>
</tr>
<tr>
<td>Pharmacy (207)</td>
<td>$145,103.90</td>
<td>Hydraulic elevator #1</td>
</tr>
<tr>
<td></td>
<td><strong>Sub-Total</strong></td>
<td><strong>$1,755,727.30</strong></td>
</tr>
<tr>
<td>Keyless Access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fluid Dynamics (112)</td>
<td>$46,044.06</td>
<td></td>
</tr>
<tr>
<td>Life Sciences North (221)</td>
<td>$89,772.06</td>
<td></td>
</tr>
<tr>
<td>AME (119)</td>
<td>$230,907.06</td>
<td></td>
</tr>
<tr>
<td>AML (490/490A)</td>
<td>$106,519.06</td>
<td></td>
</tr>
<tr>
<td>Flandrau Science Center (91)</td>
<td>$84,712.06</td>
<td></td>
</tr>
<tr>
<td>Drama</td>
<td>$99,705.39</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Sub-Total</strong></td>
<td><strong>$657,659.69</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Grand Total</strong></td>
<td><strong>$12,200,000.00</strong></td>
</tr>
</tbody>
</table>
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EXECUTIVE SUMMARY

Item Name: FY2018 – 2020 Capital Improvement Plans (ASU, NAU, UA)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: Arizona State University, Northern Arizona University and the University of Arizona ask for the board to approve their FY 2018-2020 Capital Improvement Plans.

Previous Board Action
None

Enterprise or University Strategic Plan
- ☒ Empower Student Success and Learning
- ☒ Advance Educational Attainment within Arizona
- ☒ Create New Knowledge
- ☒ Impact Arizona
- ☒ Compliance
- ☐ Real property purchase/sale/lease
- ☐ Other:

Statutory/Policy Requirements

- ABOR Policy 7-106 requires Capital Committee review and board approval of the annual Capital Improvement Plan.

- Arizona Revised Statutes 41-793, require each building system to annually submit a Capital Improvement Plan (CIP) to the Governor no later than October 15. The state of Arizona recognizes three building systems: The Department of Transportation, the Department of Administration, and the Arizona Board of Regents.

Project Justification/Description/Scope

- The annual CIPs serve 3 main functions:
  - To serve as reference documents for current facilities inventory and related financial management information;

Contact Information:
Morgan R. Olsen, ASU 480-727-9920 Morgan.R.Olsen@asu.edu
Jennus Burton, NAU 928-523-8871 Jennus.Burton@nau.edu
Gregg Goldman, UA 520-621-5977 GGoldman@email.arizona.edu
Lorenzo Martinez, ABOR 602-229-2525 Lorenzo.Martinez@azregents.edu
EXECUTIVE SUMMARY

- To request general fund monies, including building renewal, from the state; and
- To identify capital projects each university intends to implement during the next fiscal year along with a forecast of proposed activities and projects in the following 2 fiscal years.

- The Capital Improvement Plans include a capital allocations report; building renewal and deferred maintenance reports; building inventory reports; lease reports; acquisitions and sales of land reports; capital project status reports; three-year capital improvement plans; FY 2018 project descriptions, scope and cost; and preliminary debt reports. In-depth Debt Capacity Reports are presented to the Committee in November.

- Approval of the CIPs allows universities to expend the greater of $750,000 or 5% of project costs in preparation for any projects that will be submitted for the next stage of project approval (Capital Development Plan).

- Each university draft CIP can also be found on the ABOR website (http://azregents.edu/) under the Board meeting section.

Arizona State University CIP

- The ASU Capital Improvement Plan includes one project totaling $30 million.

- The FY 2018 building renewal formula requirement is $45.9 million.

- The debt ratio is estimated to be 4.8% excluding SPEED projects, and 5.2% including SPEED projects.

<table>
<thead>
<tr>
<th>ASU Project Name</th>
<th>Est. Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parking Structure</td>
<td>30,000,000</td>
</tr>
<tr>
<td>Building Renewal</td>
<td></td>
</tr>
<tr>
<td>Building Renewal Requirement</td>
<td>45,920,600</td>
</tr>
</tbody>
</table>

Northern Arizona University CIP

- The NAU Capital Improvement Plan includes four projects totaling $89.2 million.

- The FY 2018 building renewal formula requirement is $17.3 million.
EXECUTIVE SUMMARY

- The debt ratio is estimated to be 5.6% excluding SPEED projects, and 7.6% including SPEED projects.

<table>
<thead>
<tr>
<th>NAU Project Name</th>
<th>Est. Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Engineering and Sciences Additional Space</td>
<td>30,000,000</td>
</tr>
<tr>
<td>2. Code Compliance and Infrastructure</td>
<td>59,200,000</td>
</tr>
<tr>
<td>Project Total</td>
<td>89,200,000</td>
</tr>
</tbody>
</table>

### Building Renewal

| Building Renewal Requirement              | 17,275,400  |

University of Arizona CIP

- The UA Capital Improvement Plan does not include any first-year projects as the university is focusing on development of projects in its approved capital development plan.

- The FY 2018 building renewal formula requirement is $77.4 million.

- The debt ratio is estimated to be 5.3% excluding SPEED projects, and 6.6% including SPEED projects.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding to the full board for approval.

Requested Action

Arizona State University, Northern Arizona University and the University of Arizona ask the board to approve their FY 2018 - 2020 Capital Improvement Plans.
EXECUTIVE SUMMARY

Item Name: FY 2018-2020 Capital Improvement Plan (ASU)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: Arizona State University asks the board to approve its FY 2018-2020 Capital Improvement Plan. The ASU Capital Improvement Plan includes one first-year project totaling $30.0 million.

Enterprise or University Strategic Plan

☒ Empower Student Success and Learning
☒ Advance Educational Attainment within Arizona
☒ Create New Knowledge
☒ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

ABOR Policy 7-106 requires Capital Committee review and board approval of the annual Capital Improvement Plan (CIP).

Project Justification/Description/Scope

- ASU continues to make meaningful progress in its evolution as a model for 21st century higher education, dedicated to access, excellence and impact. In keeping with the ambitious trajectory reflected in the ASU Strategic Enterprise Framework and the ASU Campus Master Plan, the project proposed in the 2018-2020 CIP focuses strongly on addressing the need for sustainable facilities that support the achievement of institutional objectives.

- For this CIP, ASU has set as its priority the construction of a new energy-efficient parking structure, which will provide accessible parking to support the academic, cultural and social activities on the ASU Tempe campus and in the surrounding community. The multi-tiered structure will replace the existing 700 surface lot spaces that will be displaced by the planned new development of an on-site hotel and conference center, as well as accommodate future site development plans.

Contact Information:
Morgan R. Olsen, Executive Vice President, Treasurer and CFO • (480) 727-9920 • Morgan.R.Olsen@asu.edu
EXECUTIVE SUMMARY

- Thoughtful and productive investment in the University's infrastructure is vital to the success of current and future ASU students and supports the key elements of ASU’s Strategic Enterprise Framework, including:
  - Achieving a 57 percent increase in degree production
  - Establishing national standing in academic quality and the impact of colleges and schools in every field
  - Enhancing local impact and social embeddedness
  - Expanding research performance by 2025 to $815 million in annual research expenditures.

- The FY 2018-2020 CIP, as well as the active capital projects already being advanced through our Campus Master Plan, reflects the physical manifestation of ASU's realization of the New American University and its steadfast commitment to serve the people of Arizona.

Project Delivery Method and Process

The delivery method for each project in the capital improvement plan is selected based on which method provides the most efficient and effective delivery. The anticipated project delivery method will be identified, as projects are submitted in the Capital Development Plan.

Project Status and Schedule

Capital projects progress through the various project development phases based on a variety of factors, including the priority and need for the project and program, as well as availability of funding and financing. Project schedules usually are aligned to the academic calendar so that construction activity can occur during the summer break or when there is lower activity on campus. In addition, project schedules typically are developed so that projects are completed and functional in time for the beginning of a new semester. Anticipated schedules are submitted in the Justification Report, which is included for each project in the Capital Development Plan.

Project Costs

- The first year of this three-year CIP contains one project, displayed in the table on the following page. The project totals $30,000,000 in estimated costs.

- The CIP also includes a Fiscal Year 2017 Building Renewal Request totaling $45,920,635. The Building Renewal Request is computed by using the Joint Committee on Capital Review-approved formula, along with direction from the ABOR Central Office.
**EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Campus</th>
<th>Project Name</th>
<th>Project Description</th>
<th>Fund Method</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tempe</td>
<td>Tempe Campus Parking Structure</td>
<td>This proposed new energy-efficient, multi-level parking structure will replace an existing surface lot on a new development site at the southeast corner of the University Drive and Mill Avenue intersection. This approximately 1,200-space parking structure will support academic, cultural and social activities on the Tempe Campus, and accommodate the parking needs of a new on-site hotel and conference center as well as future site development.</td>
<td>System Revenue Bonds (SRB)</td>
<td>$ 30,000,000</td>
</tr>
</tbody>
</table>

**State Appropriation (SAP)**
- General Fund, Debt Service (GFA)
- System Revenue Bonds (SRB) $30,000,000
- Certificates of Participation (COPS)
- Federal Funds (FEDF)
- Gifts (GIFT) $ -
- Other (OTHR) $ -
**TOTAL COST: FY 2018** $30,000,000

- Additional information on this project is provided in the Project Description section of this plan.

**Fiscal Impact and Financing Plan:**

- The annual assessment of debt capacity contained in the CIP provides a summary report of the University's ability to finance additional capital projects through the issuance of debt. Based upon the University's capital projects approved in the FY 2017 Capital Development Plan, the FY 2018 One-Year Capital Plan, and projects that have received ABOR Project Approval, the highest projected debt ratio is 4.8 percent. The debt ratio is the total projected annual debt service on bonds and certificates of participation as a proportion of total projected University expenses. The maximum debt ratio allowed by ABOR policy and state statute is 8 percent. This ratio excludes debt service from the Stimulus Plan for Economic and Educational Development (SPEED) projects. The projected highest debt ratio including debt service on SPEED projects is 5.2 percent.

- **Debt Ratio Impact:** The debt service associated with the Tempe Campus Parking Structure project will increase the projected debt ratio by 0.08 percent.

- The preceding debt ratios are estimates based on unaudited FY 2016 financial records and are subject to change.
EXECUTIVE SUMMARY

Occupancy Plan

Projects included in the CIP will create space that will allow for the creation, expansion and/or relocation of programs. The space that the projects provide will house programs that fulfill various objectives within the University strategic plan, including academic, research and student success goals. Project justification reports that are submitted when these projects are transitioned to the Capital Development Plan will provide additional detail on occupancy plans for new or renovated space.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

Arizona State University asks the board to approve its FY 2018-2020 Capital Improvement Plan, as submitted.
EXECUTIVE SUMMARY

FY 2018 PROJECT DESCRIPTION

PROJECT NAME: Tempe Campus Parking Structure  

DESCRIPTION

This proposed new energy-efficient, multi-level parking structure will replace an existing surface lot on a new development site at the southeast corner of the University Drive and Mill Avenue intersection. This approximately 1,200-space parking structure will support academic, cultural and social activities on the Tempe Campus, and accommodate the parking needs of a new on-site hotel and conference center as well as future site development.

JUSTIFICATION

This new energy-efficient parking structure will provide the essential capacity required to support the institutional priority of establishing ASU as a global center for interdisciplinary research, discovery and development. Given the close proximity of this parking structure to the rich cultural and social life that is fostered by ASU Gammage and the Mill Avenue District in downtown Tempe, this project will also enhance the local impact and social embeddedness of the university in the communities it serves.

The primary institutional priorities supported by this project are:

Workforce & Community: Community Engagement Activities Impact

This project will provide accessible parking to support community engagement in innovative educational, as well as rich cultural and social programs, events and activities. This project will support the ABOR 2020 Vision goal and ASU Imperative to enhance and improve local impact and social embeddedness.

Education Excellence, Access and Degree Production:

The project will support the establishment of ASU as a global center for interdisciplinary research, discovery and development and the integration of its mission into the urban fabric.
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Item Name: FY2018 – 2020 Capital Improvement Plan (NAU)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: Northern Arizona University asks the board to approve its FY 2018 – 2020 Capital Improvement Plan (CIP).

Previous Board Action
None

Enterprise or University Strategic Plan
- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements
- ABOR Policy 7-106 requires Capital Committee review and board approval of the annual Capital Improvement Plan.

Project Justification/Description/Scope
- In keeping with the vision articulated in the university’s Strategic Plan and comprehensive Master Plan, the projects proposed in the FY2018 – 2020 Northern Arizona University CIP focus on code compliance upgrades and increased academic space and its utilization. These projects provide enhanced physical spaces that facilitate a mission of student service, access and excellence.

- For this plan, NAU is proposing the following projects in the first year:
  - Engineering and Sciences Additional Space $30,000,000
  - Code Compliance and Infrastructure $59,200,000
  - Total: $89,200,000
EXECUTIVE SUMMARY

- Code Compliance and Infrastructure – Safety and code compliance issues take the highest priority to assure the safety of students, staff and visitors. This project addresses identified deficiencies and areas for upgrades to ensure NAU remains a safe place to fulfill its mission and objectives.

- Engineering and Sciences Additional Space – The College of Engineering, Forestry, and Natural Sciences has outgrown their current space for several of their programs, in particular Engineering Programs. An increase in space is necessary, whether that be an addition to the existing Engineering facility or a new standalone building. This is aligned with the university mission to provide an outstanding undergraduate residential education by providing dedicated space to these programs to teach hands-on classes in high-demand STEM fields.

- Additional information on these projects is provided in the Three Year Capital Plan section of the Capital Improvement Plan.

Project Delivery Method and Process

- The delivery method for each project in the capital improvement plan is selected on a project-by-project basis depending on which method provides the most efficient and effective delivery. The anticipated delivery method will be identified when projects are submitted in the Capital Development Plan.

Project Status and Schedule

- Projects progress through the various capital phases based on a variety of factors, including priority, need for the project and programs, availability of funding and financing, and potentially the scheduled use of the existing space if the project is a renovation.

- Project schedules are usually aligned to the academic calendar so that construction activity can occur during the summer and winter breaks or when there is limited activity on campus. In addition, project schedules are developed so that projects are completed and functional in time for the beginning of a new semester.

- Anticipated schedules for each project are submitted in the Justification Report included for each project when they are submitted in the Capital Development Plan.

Project Cost

- The first year of the three-year CIP contains two projects, displayed in the table below. The projects total $89,200,000 in estimated costs.
The CIP includes a Building Renewal calculation of $17.3 million for fiscal year 2018. Building renewal is computed using the Joint Committee on Capital Review approved formula and directions from the ABOR Office.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Description</th>
<th>Fund Method</th>
<th>Estimated Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Code Compliance and Infrastructure</td>
<td>This project will address fire safety and accessibility code compliance in academic facilities on the mountain campus. The project scope includes fire systems, elevators, campus accessibility, and roofing systems.</td>
<td>SAP</td>
<td>$59,200,000</td>
</tr>
<tr>
<td>2 Engineering Addition</td>
<td>Enrollment in Engineering Programs has tripled since 2008. Either a stand-alone building or an addition to the existing Engineering Building (Building #69) is needed to accommodate the growth. Offices, classrooms, faculty research labs, and teaching labs are needed.</td>
<td>GIFT, SRB</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>

**THIRD-PARTY PROJECTS**

<table>
<thead>
<tr>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Appropriation (SAP)</td>
</tr>
<tr>
<td>General Fund Debt Service (GFDS)</td>
</tr>
<tr>
<td>System Revenue Bonds (SRB)</td>
</tr>
<tr>
<td>Certificates of Participation (COPS)</td>
</tr>
<tr>
<td>Federal Funds (FEDS)</td>
</tr>
<tr>
<td>Gifts (GIFT)</td>
</tr>
<tr>
<td>Other (OTHR)</td>
</tr>
<tr>
<td><strong>Total Costs: FY 2018</strong></td>
</tr>
</tbody>
</table>

**Fiscal Impact and Financing Plan:**

- The Annual Assessment of Debt Capacity found in the CIP provides a summary report of the university’s ability to finance capital projects through issuance of debt. The university’s debt capacity study for the FY 2018 – 2020 Capital Improvement Plan indicates the total projected expenses are 5.6% excluding SPEED projects and 7.6% including SPEED projects (ABOR and State policy max 8%). NAU existing debt service as a percentage of total expenses is 4.9% or approximately $26.2 million.

- **Debt Ratio Impact:** The debt ratio for the projects in the FY2018 One-Year Capital Plan is estimated to be increased to 5.6% of projected total expenses. This is an estimate based on the assumptions outlined in the plan and are subject to adjustment in the Capital Development Plan and Project Approval.
Executive Summary

- Gift funding:

<table>
<thead>
<tr>
<th>Approved Projects</th>
<th>Approval Date</th>
<th>Occupancy Date</th>
<th>Project Cost</th>
<th>Gift Target</th>
<th>Current Gifts (cash/pledges)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Addition</td>
<td>FY18-20 CIP</td>
<td>TBD</td>
<td>$30,000,000</td>
<td>$5,000,000</td>
<td>$0</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
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</table>

Occupancy Plan

- Projects included in the CIP create space that will allow for the expansion of academic programs. The space the projects provide house programs that will fulfill various objectives within the university strategic plan, including academic excellence.

- Project justification reports submitted when these projects are transitioned to the Capital Development Plans will provide additional detail on occupancy plans for new space.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

Northern Arizona University asks the board to approve its FY 2018 – 2020 Capital Improvement Plan.
FY 2018 PROJECT DESCRIPTIONS

PROJECT NAME:  **Code Compliance and Infrastructure**

PRIORITY: 1

DESCRIPTION:

The proposed project will address code compliance and infrastructure issues as a result of aging buildings, many designed and constructed during the 1950’s and 1960’s prior to the American with Disabilities Act. Increasing enrollments, student usage, and safety requirements necessitate code upgrades to campus structures including fire safety systems, elevator systems, roofing systems, and accessibility improvements. Sidewalks and pathways, signage, and other infrastructure will be included as part of the project scope.

JUSTIFICATION:

Ensuring the safety of students, faculty, staff, and campus visitors is a university priority. Many campus infrastructure and building life safety system capacities are inadequate and cannot meet current research, laboratory, or academic requirements. Code compliance improvements will ensure reliability of critical safety components and building functionality. A campus elevator audit revealed areas requiring code compliance improvements, as did a similar fire systems review. NAU continues to address critical items identified by facilities staff and code authorities. This project would allow the university to address areas more comprehensively.

This project aligns with the Enterprise Plan for future growth and excellence at the mountain campus. NAU is committed to its mission of providing an outstanding undergraduate education and its goal to expand enrollments and research. This project directly supports the strategic direction and mission of Northern Arizona University, and promotes a safety culture for students, staff and visitors.

ESTIMATED PROJECT COST:  $59.2 million

FUNDING SOURCE:  State Appropriation
PROJECT NAME:  Engineering and Sciences Additional Space

PRIORITY: 2

DESCRIPTION:

The College of Engineering, Forestry, and Natural Sciences has several programs that have outgrown their current space, particularly in the Engineering Building. The College has an imminent need for additional space to meet current and projected enrollment. The proposed project will address the design and construction of a roughly 40,000 GSF space addition. This will either be an addition to the existing Engineering building or a new stand-alone building.

JUSTIFICATION:

A recent campus space assessment and the 2010 Master Plan identify the need for increased engineering and science facilities as well as study and collaborative spaces on south campus. Current facilities do not have adequate space for current enrollment and will become more deficient as enrollment grows.

This project aligns with the Enterprise Plan for future growth and excellence at the mountain campus. NAU is committed to its mission of providing an outstanding undergraduate education and its goal to expand enrollments and research. This project directly supports the strategic direction and mission of Northern Arizona University, and promotes an academic excellence culture for students, staff and visitors.

ESTIMATED PROJECT COST:  $30 million

FUNDING SOURCE:  System Revenue Bonds, Gifts
# FY 2018-2019 PROJECT DESCRIPTIONS

<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>PROJECT NAME</th>
<th>PROJECT DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Biological Sciences Building</td>
<td>The existing Biological Sciences building is in a deteriorating condition with an FCI of 40%. A new 120,000 GSF facility will add research capacity and academic space to meet enrollment and research growth projections for Biological Sciences to meet the higher education Enterprise Plan. The space will provide opportunities for independent research and expand access for students and researchers. This space will support academic programs that prepare students for an increasingly technical world. The construction of a new research building creates improved learning and teaching environments facilitating research opportunities and collaboration between students and faculty.</td>
</tr>
<tr>
<td>2</td>
<td>Physical Sciences Building</td>
<td>The existing Physical Sciences building is in a deteriorating condition with an FCI over 40%. A new 95,000 GSF facility will add research capacity and academic space to meet enrollment and research growth projections for Physical Sciences to meet the higher education Enterprise Plan. The space will provide opportunities for independent research and expand access for students and researchers. This space will support academic programs that prepare students for an increasingly technical world. The construction of a new research building creates improved learning and teaching environments facilitating research opportunities and collaboration between students and faculty.</td>
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<tr>
<td>PRIORITY</td>
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<tr>
<td>3</td>
<td>Recital Hall</td>
<td>The School of Music does not have dedicated recital and rehearsal space and is challenged with scheduling. Additionally, it faces operational issues with utilizing the existing shared spaces in Ardrey Auditorium and Performing and Fine Arts. With the addition of a new 250-300 seat recital hall adjacent to Ardrey Auditorium and the School of Music, NAU will have a Performing and Fine Arts complex that wholly serves the needs of our students and the northern Arizona community. This intimate venue, in combination with our other performance venues on campus, will increase the stature and allure of NAU for prospective students, local audiences, faculty members, and guest performing artists. NAU’s reputation and brand recognition will improve throughout the region, and recruitment of additional high quality students will be enhanced.</td>
</tr>
<tr>
<td>4</td>
<td>Health Research Sports Performance and Convocation Center</td>
<td>This project will address academic and athletic needs, specifically for the athletic training and physical therapy academic programs. This project will address academic and training needs for university athletic programs as outlined in the NAU athletic strategic plan. The project would provide space for faculty in health related programs (athletic training/physical therapy), classroom space, and for student-athletes currently training in the Fieldhouse and Rolle Activity Center, which do not meet NCAA requirements. The performance component will provide study spaces that promote academic excellence. This consolidated academic/athletic facility will alleviate student athlete travel, facilitate collaborative study, and provide a sense of community.</td>
</tr>
<tr>
<td>5</td>
<td>Student Housing</td>
<td>On-campus living has proved to be a contributing factor to student success. The University will need to increase its number of beds on campus to continue to meet the growing demand for on-campus housing. A new student residence hall which includes site improvements will be pursued through a public-private partnership to meet university business objectives.</td>
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<tr>
<td>PRIORITY</td>
<td>PROJECT NAME</td>
<td>PROJECT DESCRIPTION</td>
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<tr>
<td>6</td>
<td>Lab Upgrades and Renovations</td>
<td>Research labs in Engineering, Health Sciences and Social and Behavioral Sciences are out of date and in a deteriorated condition. This project will address needed repairs and modernization of the labs, as well as the functionality to optimize the research that can be performed in the existing spaces.</td>
</tr>
<tr>
<td>7</td>
<td>Classroom/Office Building</td>
<td>The development of a new classroom/office building will allow the university to remove red and orange buildings from the central core, which is consistent with the 2010 Master Plan. The university will be able to relocate residents of Peterson and Babbitt Annex to a new classroom and office building.</td>
</tr>
<tr>
<td>8</td>
<td>Honors Hall</td>
<td>This project would build a space dedicated as a residence hall and learning spaces for honors students. It would be a hub for cutting-edge undergraduate research and creative activity that facilitates unique mentoring opportunities between faculty and students. Dedicated honors facilities provide students with the opportunity to interact with faculty in a non-academic setting, build communities outside of the traditional class environment, carry a classroom discussion back to their residence hall room, and generally make peer and faculty connections.</td>
</tr>
<tr>
<td>9</td>
<td>ITS Centralization and Administration Building</td>
<td>A new central ITS and Administration building will consolidate the administrative and core support functions to a central campus location. The 2010 master plan identifies a new administration building at the University Drive entrance to help better connect the north and south academic cores.</td>
</tr>
<tr>
<td>10</td>
<td>Early Childhood Education Teaching and Research Center</td>
<td>The lack of child-care facilities on campus has long been a source of dissatisfaction for both students and faculty and was one of the strongest negatives in the COACHE survey. The College of Education's specialization in early childhood education brings with it the potential to address the childcare issue while creating a &quot;lab school&quot; environment that will benefit NAU's academic program.</td>
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<td>PRIORITY</td>
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<tr>
<td>11</td>
<td>South Academic Building</td>
<td>This project will address the aging buildings utilized by Social and Behavioral Sciences and Social Behavioral Sciences West. A space needs assessment identified the need to reconfigure the existing spaces into more functional and useable spaces, as well as accommodate additional programs like Anthropology. Renovations to the buildings or construction of a replacement are necessary to address the space and the condition of the buildings.</td>
</tr>
<tr>
<td>12</td>
<td>Multi-Sciences Building</td>
<td>A new multi-science building is needed to provide adequate space for departments that have increased enrollments over the last several years in order to maintain a high academic standard. Specific areas that need space are the School of Earth Sciences and Environmental Sciences as well as other science disciplines. It will also enable the consolidation of programs scattered between 8-9 buildings on campus.</td>
</tr>
<tr>
<td>13</td>
<td>Adel Math Expansion</td>
<td>Adel Mathematics was constructed in 1962 and has a facility condition index near 40%. Math students are being relocated from Adel into sites including the Math Emporium at the Student and Academic Classrooms Services facility. Current inefficiencies in design and wear and tear make this a poor classroom building. It is anticipated that Adel will be renovated into offices pending and expanded to make more efficient use of its existing footprint.</td>
</tr>
<tr>
<td>14</td>
<td>Cline Library Renovation and Study Space Expansion</td>
<td>A recent campus space assessment indicated that the library is deficient over 30,000 square feet and needs increased space to fully serve the students. Student study space is undersized and outdated. An aesthetic renovation will build a creative environment that meets the students' needs and desires. Additional study space may contain makerspace and a data visualization lab. The makerspace is an ideal enterprise to inspire students, researchers, and entrepreneurs in a space where they can experiment, test hypotheses and designs, learn through failure, and refine an idea in a low-risk environment. Additionally, aging HVAC and FLS infrastructure in the Special Collections and Archives are now more than 25 years old, putting these unique and valuable collections at considerable risk.</td>
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<tr>
<td>PRIORITY</td>
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<td>PROJECT DESCRIPTION</td>
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<tr>
<td>15</td>
<td>Central Campus Parking Structure</td>
<td>This project constructs a new parking structure adjacent to Cline Library, Ardrey Auditorium and the Performing and Fine Arts Academic building. Utilizing an existing parking surface for the site of the new parking structure is consistent with the 2010 Master Plan. The Master Plan guides relocation of parking from internal campus parking surfaces to parking structures sited along campus perimeters. This project is needed to alleviate parking on north campus as interior parking surfaces are allocated for instructional expansions and restored green space for student activities.</td>
</tr>
<tr>
<td>16</td>
<td>Parking Structure - Phoenix Biomedical Campus</td>
<td>This project will address the need for a parking facility to support the faculty, staff, and students at the recently constructed Phoenix Biomedical Campus in Phoenix. This project would be pursued through a third-party.</td>
</tr>
<tr>
<td>17</td>
<td>South Campus Parking Structure</td>
<td>A project to construct a parking deck to service the southwest region of campus on the site of an old detention center acquired from Coconino County. This use is consistent with the 2010 Master Plan. The project will complete the build-out of parking structures planned for the mountain campus. The structure would be sited on south campus contiguous to the W. A. Franke College of Business, the Raul H. Castro Social and Behavioral Sciences Building, and the College of Engineering, Forestry and Natural Sciences. It is anticipated this structure will include space for a bus depot to provide increased student access and services in navigating campus.</td>
</tr>
<tr>
<td>18</td>
<td>Campus Utility and Infrastructure</td>
<td>This project will continue utility improvements needed to support increased research, academic programs, technology requirements and enrollment projections. It will also address aging infrastructure. The project scope will include infrastructure upgrades/replacements to improve and ensure stable delivery of utilities for current and future campus development. The scope will include metering, steam, electrical, chilled water, system controls, and other systems support requirements.</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

FACILITY CONDITION INDEX MAP

Northern Arizona University at Flagstaff
June 30, 2016

FCI
- <5% (Good)
- 5% - 10% (Fair)
- >10% - 40% (Poor)
- >40% or Demolish

Facility Code Index is the deferred maintenance dollars divided by the total building replacement cost. These percentages are based on the most current available data.

NEW CONSTRUCTION
- Skyview #87
EXECUTIVE SUMMARY

Item Name: FY 2018–2020 Capital Improvement Plan (UA)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The University of Arizona asks the board to approve its FY 2018-2020 Capital Improvement Plan (CIP).

Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements:

ABOR Policy 7-106 requires committee review and board approval of the annual Capital Improvement Plan.

Strategic Alignment with the University’s Institutional Priorities:

- The University of Arizona (UA) previously completed a comprehensive Integrated Academic, Business, Finance and Capital Planning process to assure that the University’s available resources are applied to its highest strategic priorities. The UA capital priorities have been determined in conjunction with academic and business planning processes that are reconciled with the overall UA Strategic Plan. This integrated planning process provides fully informed capital priorities for the UA’s FY 2018-2020 Capital Improvement Plan.

- The University of Arizona has a great need for critical life/safety maintenance improvements to its existing buildings across the campus. After years without state building renewal funding, the UA’s existing facilities have reached a serious state of disrepair, reducing their safety and effectiveness in meeting the needs of students, faculty, staff and community members. As noted in the CIP report, the amount of Building Renewal funding due to the UA under the state formula this year is

Contact Information:
Gregg Goldman, Senior Vice President for Business Affairs and Chief Financial Officer
(520) 621-5977, ggoldman@email.arizona.edu
EXECUTIVE SUMMARY

$77,372,600. It is essential that a significant portion of the University's critical life/safety maintenance improvements is soon addressed.

Capital Improvement Plan One & Two-Year Forecast:

- **One-Year Capital Plan for FY 2018**: There are no First-Year projects being presented by the UA in this CIP

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
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<tbody>
<tr>
<td>No First-Year Capital Projects for FY 2018</td>
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</table>

- **The Two-Year Capital Plan Forecast (FY 2019-2020)**: The following potential future projects are under consideration as part of the UA’s Integrated Planning Process which aligns the University’s academic, financial and capital priorities.

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>PROJECT DESCRIPTION</th>
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<tbody>
<tr>
<td>1 Laboratory Modernization and Renovations</td>
<td>These renovations will facilitate the increased utilization of existing, inefficient research lab space and reduce the new building needs.</td>
</tr>
<tr>
<td>2 Student Success Collaborative District (Library and Bear Down Gym)</td>
<td>There is a need for increased student support and retention. This is a role traditionally filled by the library and specific student service units. The Student Success Collaborative District is envisioned as both building and designed open spaces which specialize in student support functions and resources: think tank, math and writing support, innovate/collaborative learning spaces and interdisciplinary collaboration. This district would span the Science &amp; Engineering Library, Bear Down Gym and the Main Library.</td>
</tr>
<tr>
<td>3 Bioscience Research Labs Building 2</td>
<td>A research facility that will bring together the University’s basic scientists and physician researchers for collaborative translational research that will advance our understanding of the molecular basis of human health, aging and disease. This building will provide cutting-edge laboratories for pioneering, interdisciplinary research in many health science disciplines relevant to the people of Arizona, and will increase competitiveness and research grant revenues as needed to achieve the Arizona Higher Education Enterprise Plan Goals.</td>
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<td>Item #</td>
<td>PROJECT NAME</td>
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<tr>
<td>4</td>
<td>UITS Communications Network - Phase 1</td>
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<tr>
<td>5</td>
<td>Animal &amp; Comparative Biomedical Sciences Renovation</td>
</tr>
<tr>
<td>6</td>
<td>Centennial Hall Renovations</td>
</tr>
<tr>
<td>7</td>
<td>Campus Infrastructure-Central</td>
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<tr>
<td>8</td>
<td>Computational Lab Building</td>
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<td>9</td>
<td>iSchool</td>
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<tr>
<td>10</td>
<td>Land Acquisition</td>
</tr>
<tr>
<td>11</td>
<td>Arizona Stadium Improvements</td>
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</tbody>
</table>
EXECUTIVE SUMMARY

Project Delivery Method and Process:

- The delivery method for each project in the Capital Improvement Plan is selected on a project-by-project basis depending on which method provides the most efficient and effective delivery. The anticipated delivery method will be identified when projects are submitted in the Capital Development Plan.

Project Status and Schedule:

- Projects progress through the various capital project phases based on a variety of factors, including priority and need for the project and programs, availability of funding and financing, and consistency with strategic plans. Project schedules are sometimes aligned to the academic calendar so that construction activity can occur during the summer break or when there is limited activity on campus. In addition, project schedules are developed so that projects are completed and functional in time for the beginning of a new semester. Anticipated schedules for each project are submitted in the Justification Report included for each project in the Capital Development Plan.

Fiscal Impact and Financing Plan:

- The Annual Assessment of Debt Capacity report, contained in the FY 2018-2020 CIP, provides a summary of the UA’s outstanding debt and debt ratios. The projected debt ratio is the total annual debt service on bonds and certificates of participation to total university expenses. The report demonstrates the UA’s ability to finance additional capital projects through the issuance of debt while complying with ABOR policy and the State statute debt ratio limit of 8%. The UA’s FY 2018-2020 CIP does not include any projects in the one-year plan. Therefore, the fiscal impact information such as annual debt service, operating and maintenance costs, fund sources and debt ratios reflect the Health Sciences Innovation Building (HSIB), Phoenix Union High School (PUHS), and the North Alvernon Way Building projects, which have received ABOR Project and Financing Approval. It also includes the South Stadium Parking Garage (SSPG) which has received CDP approval.

- Debt Ratio Impact: Based on current debt service on the UA’s outstanding SRBs and COPs, and the projected debt service on the Health Sciences Innovation Building (HSIB), Phoenix Union High School (PUHS), North Alvernon Way Building, and the South Stadium Parking Garage (SSPG) projects, the projected highest debt ratio is 5.3%. This ratio excludes debt service on bonds associated with SPEED projects authorized by HB2211. The projected highest debt ratio including SPEED Revenue Bonds debt service is 6.6%. The maximum debt ratio allowed by ABOR policy and state statute is 8%. Although the potential projects tentatively identified in this CIP’s Three-Year Forecast are not included in this debt ratio calculation, the UA maintains a considerable amount of debt capacity remaining within statutory limits to accommodate those projects that will be determined to be of highest priority.
EXECUTIVE SUMMARY

Occupancy Plan:

- Projects included in the Capital Improvement Plan typically create space that will allow for the creation, expansion and/or relocation of programs. The space the projects provide house programs that will fulfill various objectives within the university strategic plan, including academic, research and student success goals. Project justification reports submitted when these projects are transitioned to the Capital Development Plans will provide additional detail on occupancy plans for new or renovated space.

Committee Review and Recommendation:

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action:

The University of Arizona asks the board to approve its Capital Improvement Plan Fiscal Years 2018-2020.
EXECUTIVE SUMMARY

Item Name: Report on the Legislative Affairs Committee Meeting

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☒ Information or Discussion Item

Issue: Regent Shoopman will report on the September 21, 2016 Legislative Affairs Committee meeting.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Committee Report

There are no written materials for this item.

Agenda Highlights
Legislative Affairs Committee
Wednesday, September 21, 2016

1. Legislative Update
2. Enterprise Lobbying Principles
3. Consideration of the 2017 Enterprise Legislative Agenda

Requested Action
This item is provided for information only. No action is required by the board.

Contact Information:
Kody Kelleher, Director for Government Affairs, ABOR
kody.kelleher@azregents.edu
602-229-2509
EXECUTIVE SUMMARY

Item Name: 2017 Enterprise Lobbying Principles

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The board office and the universities ask the board to approve the 2017 Enterprise Lobbying Principles.

Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other: 2017 Enterprise Lobbying Principles

Background

The Enterprise Lobbying Principles were first developed and approved by the board last year for the 2016 legislative session. The Principles are designed to be expectations set by the board for all lobbyists representing the university enterprise regarding engagement with lawmakers, executive staff and other stakeholders. The Principles are annually approved by the board, with possible changes proposed by the board office and universities to the prior year's approved language.

Committee Review and Recommendation

The Legislative Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding this item to the full board for approval.

Requested Action

The universities and board office ask the board to approve the 2017 Enterprise Lobbyist Principles.

Contact Information:
Kody Kelleher 602-229-2509 kody.kelleher@azregents.edu
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EXECUTIVE SUMMARY

Item Name: 2017 Enterprise Legislative Agenda

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The Enterprise Executive Committee asks the board to approve the 2017 enterprise legislative agenda.

Enterprise Strategic Plan

- Education excellence, access and degree production
- Research excellence
- Workforce and community
- Productivity
- Compliance
- Real property purchase/sale/lease
- Other: Legislative agenda

Background
Each year the board office and universities develop policy and budget proposals that are deliberated by the Enterprise Executive Committee and result in formal recommendations to the board for approval. Items approved by the board for inclusion in the annual legislative agenda are then prepared for introduction at the state legislature. The state budget request is considered separately from the annual enterprise legislative agenda.

Committee Review and Recommendation
The Enterprise Executive Committee’s recommendations for the 2017 enterprise legislative agenda were presented to the Legislative Affairs Committee at its September 21, 2016 meeting. The committee recommended forwarding this item to the full board for approval.

Requested Action
The Enterprise Executive Committee asks the board to approve its recommendations for the 2017 enterprise legislative agenda.

Contact Information:
Kody Kelleher 602-229-2509 kody.kelleher@azregents.edu
2017 Enterprise Legislative Agenda

Employee Health Insurance

Background

- The State of Arizona, through the Department of Administration (ADOA), currently provides health benefits for state employees. By ADOA rule, the ASU and UA are required to participate in this health insurance plan.

- Last February, ADOA and the universities commissioned a report on the costs of university participation in the ADOA plan. The report determined that ASU and UA could save approximately $30 million per year by separating from the ADOA plan.

- In FY 2017, the state plans to sweep $79 million from the ADOA health care plan into the state general fund.

- NAU already has a statutory exemption from the ADOA plan and currently operates a health care plan independent of ADOA.

EEC proposal

- Allow the university system to seek a strategically planned transition from the state health benefits plan to a tri-university health insurance plan or individual insurance plans by university.

- ABOR and universities undergo RFP process with the new plan(s) projected to take effect at the conclusion of the state’s current health insurance contract, which if renewed as expected, concludes December 31, 2019.

- NAU, which currently operates its own health plan could either join a tri-university plan or continue operating its own plan.

Health benefits eligibility status

Background

- The federal government requires employers to offer health benefits for full-time employees; full-time employees are defined as working 30 hours per week.

- However, the Arizona Department of Administration requires stricter coverage by mandating employers offer health benefits for employees working 20 hours per week.
EXECUTIVE SUMMARY

EEC proposal

- Allow the universities to adhere to the less burdensome federal regulations by setting the minimum hours worked per week to trigger health benefits eligibility at 30 hours per week.

- The transition to the 30 hours per week requirement will not affect current employees. Existing employees will retain health insurance benefits.

Budget unit consolidation

Background

- ASU
  - ASU is divided intro three budget units by campus for the purposes of state appropriations. ASU Tempe and Downtown are combined as a single budget unit and ASU East and ASU West are designated as their own individual budget units.
  - ASU receives other line item appropriations in the state budget (e.g., the School of Civic and Economic Thought and Leadership, research infrastructure, biomedical informatics), however these items are not considered separate budget units, they are specific appropriations to designated ASU campuses.

EEC proposal

- Consolidate the three ASU budget units (ASU Tempe & Downtown, ASU East, and ASU West) into a single budget unit.
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EXECUTIVE SUMMARY

Item Name: Report on the Academic and Student Affairs Committee Meeting

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☒ Information or Discussion Item

Issue: Regent Ridenour will report on the September 21, 2016 Academic and Student Affairs Committee Meeting.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Committee Report

There are no written materials for this item.

Agenda Highlights
Academic and Student Affairs Committee
Wednesday, September 21, 2016

1. Addendum to 2015-2016 Academic Strategic Plan for Northern Arizona University (NAU)

2. Addendum to 2016-2017 Academic Strategic Plan for Arizona State University (ASU)

3. Proposed Revision to Board Policy 2-121 “Undergraduate Admission” (First Reading)

4. 7 Year Academic Program Review

5. College Credit by Examination Incentive Program

Contact Information:
Shelley McGrath, ABOR  602-229-2529  shelley.mcgrath@azregents.edu
6. Proposed Revisions to ABOR Policy 4-323 “Tuition Waiver Scholarships and Institutionally Supported Financial Aid Programs-Student Financial Aid” (First Reading)

7. Arizona Department of Education K-12 Academic Standards for English, Language Arts and Mathematics

Requested Action

This item is provided for information only. No action is required by the board.


**EXECUTIVE SUMMARY**

**Item Name:** Proposed Revisions to ABOR Policy 2-121 “Undergraduate Admission” (First Reading)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

**Issue:** The board office and the universities ask the board to review on first reading the proposed revisions to ABOR Policy 2-121 “Undergraduate Admissions.”

**Enterprise or University Strategic Plan**

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

**Background/History of Previous Board Action**

- During the June 3, 2015 Academic and Student Affairs Committee meeting, when the committee was discussing adding a CTE course to the admission competency requirements, it was decided that a complete review of the undergraduate admissions policy is in order.

- The board last conducted a comprehensive review of the admissions policy at a study session in January 2003. The proposed changes to admission policies were approved at the April 2003 board meeting. Starting in the Fall 2006, data regarding the implementation of the new admission policies was provided as part of the annual Fall Enrollment Report.

**Statutory/Policy Requirements**

**ABOR Policy 2-121 - “Undergraduate Admission”** Each university will admit all undergraduate applicants who are residents of Arizona and who meet the general aptitude and basic competency requirements approved by the board. For students who are classified for tuition purposes as Arizona residents in accordance with the requirements for resident status, the Board will establish qualifications that assure admission to any of the 3 public universities.

**Contact Information:**
Kasey Urquidez, UA (520) 621-3705 kasandra@email.arizona.edu
Shelley McGrath, ABOR (201) 229-2529 shelley.mcgrath@azregents.edu
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Discussion

- The ABOR Undergraduate Admissions Policy Work Group, with representatives from each university and the board office began its review of the policy on August 12, 2015. Kasey Urquidez, UA vice president of enrollment management/student affairs advancement and dean of undergraduate admissions served as chair.

- The work group considered:
  1. university assured and delegated admission policies;
  2. the general aptitude and academic competencies requirements;
  3. relevant data and literature regarding educational assessments on college readiness and completion;
  4. review of the 2014 High-School Eligibility Study;
  5. an environmental scan and input from K-12 and other stakeholders; and
  6. the best practices of peer institutions in other states.

- The workgroup conducted a scan of national practices of 20 institutional peers and competitors related to admission criteria and process.

- The workgroup also conducted a comprehensive scan of best practices at three university systems related to admissions indicators as predictors for academic success, retention and graduation.
  
  o University of Massachusetts System
  o University System of Georgia
  o University of Wisconsin System

- Class rank and grade point average (GPA) data was collected from ten Arizona high schools and findings indicated that 9 out of 10 schools in the 25th percentile had a 3.0 GPA or better.

- The workgroup conducted four public forums & feedback opportunities in Tucson, Flagstaff, Tempe, and Yuma.

- A website was developed to solicit feedback, comments and suggestions from the public. [https://www.azregents.edu/about/academic-and-student-affairs-committee-feedback-comments-and-suggestions](https://www.azregents.edu/about/academic-and-student-affairs-committee-feedback-comments-and-suggestions)

- Some of the proposed changes include:
  1. Keeping “class rank” as part of Assured Admission for freshmen, but add 3.0 GPA (unweighted) in the 16 core academic coursework competencies.
  2. Updating the policy to reflect that Career and Technical Education (CTE) is now addressed in the academic coursework competencies.
  3. Creating separate criteria for freshman and transfer applicants.
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4. Adding a chart of core competencies, as requested by high school counselors.
5. Changing “Foreign Language” to “Second Language”
6. Updating requirements for transfer students
7. Clarifying that students admitted without the completion of the core competencies may be required to satisfy one or more deficiencies or may be required to participate in special programs designed to strengthen academic preparedness for university-level courses.

- The Arizona Board of Regents, following a multi-year planning effort, formally established a vision for Arizona’s higher education enterprise. This vision established the rationale, mission and specific objectives for the universities in addressing Arizona’s needs for its citizens.

- Specifically, the board defined the higher education enterprise mission through 2025 and as a partner of the Achieve60AZ statewide educational attainment goal initiative, the higher education enterprise is committed to:
  
  - Increase the educational attainment of Arizona citizens, through enhanced access, by producing enough quality degrees for the state to be nationally competitive.
  - Provide the educated workforce, through enhanced access, needed to fill shortages and to stimulate demand for higher paying jobs in Arizona.
  - Provide an accessible and affordable undergraduate education.

- The proposed changes to the admission policy and standards will provide the universities with more flexibility in admitting those students who are most likely to succeed in a university setting. At the same time, the changes should increase accountability measures to ensure a commitment to access and diversity at our universities.

- Revisions to the admission policy attempts to demystify the college application process and allow students who are applying to our universities to better understand the process and requirements for college readiness.

- Board adoption of these revised standards is expected to take place with a second reading at the board meeting in November 2016.

- The proposed changes to admission policy 2-121 if approved, will take effect for the freshman and transfer class entering in the fall 2017 semester.

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting, and recommended forwarding the item to the full board for first reading.
Requested Action
The board office and the universities ask the board to review on first reading the proposed revisions to ABOR Policy 2-121 regarding the undergraduate admission policy.
A. Requirements for assured admission for residents of Arizona.

1. Each university will admit all undergraduate applicants who are residents of Arizona and who meet the following general aptitude and basic competency requirements. Because of their strong academic performance in high school, these students will be recognized as "Regents' Graduates."

   a. General aptitude

   Applicants from a regionally accredited high school may demonstrate aptitude for academic work by ranking in the 75 to 100 percentile (upper 25 percent/first quartile) of their high school graduating classes.

   b. Basic competencies

   Applicants must demonstrate academic competency in each of the subjects listed below. Students who choose to demonstrate their competency in a subject by completing appropriate high school or college courses must attain an overall grade point average for courses in that subject of at least 2.00 on a 4.00=A scale. A high school credit is defined as 1 year of study.

   (1) English

   English language proficiency is fundamental to success in a university. High school English courses taken to satisfy this competency requirement must include literature and substantial emphasis on grammar and composition. Courses such as Journalism, Business Communications, Speech, and others that often include some emphasis on grammar or composition may improve a student’s ability in English. However, they are not devoted exclusively to the study of English and may not be substituted for a regular English course.

   Applicants may demonstrate competency in English by any of the following options:

   (a) Completes 4 high school credits in English, or

   (b) Completes 1 transferable course, equivalent to a 3-semester credit hour, in English composition from a
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regionally accredited institution of higher education, or

c—Attains a score of at least 21 on the American College Test (ACT) English Test or 530 on the Scholastic Assessment Test (SAT) verbal test.

(2) Mathematics

Applicants may demonstrate competency in Mathematics by any of the following options. It is strongly recommended that students take mathematics during their Senior Year of high school.

(a) Completes 4 high school credits in college preparatory mathematics including Algebra I and II, Geometry, and culminating in 1 credit of advanced mathematics for which Algebra II is a prerequisite, or

(b) Completes 1 transferable course, equivalent to a 3-semester credit hour, in mathematics for which at least Algebra II (the second year of high school Algebra) or its equivalent is a prerequisite from a regionally accredited institution of higher education, or

(c) Attains a score of at least 24 on the ACT Mathematics Test or 540 on the SAT Mathematics Test.

(3) Laboratory Science

Applicants must demonstrate competency in Laboratory Science by completing at least 1 credit in each of 3 different Laboratory Sciences selected from the following:

Chemistry, Physics, Earth Science, or Biology. A Laboratory-based Integrated Science course may be allowed to substitute for 1 of the 3 required courses. An advanced placement course, a higher level international baccalaureate course, or other honors course taken in the last 2 years of high school in the same subject will satisfy the third course requirement. It is preferable that students take 3 years of different laboratory science subjects before taking an advanced/honors course in the same subject. It is strongly recommended that students take a fourth year of
Laboratory Science (including advanced placement, higher level international baccalaureate and other honors courses) in biology, chemistry, or physics or in other laboratory sciences such as physical science.

A Laboratory Science course is defined as a course in which at least 1 class period each week is devoted to providing an opportunity for students to manipulate equipment, materials, or specimens, to develop skills in observation and analysis, and to discover, demonstrate, illustrate, or test scientific principles or concepts.

Competency may be demonstrated by any one or any combination of the following options:

(a) Complete 3 high school credits in Laboratory Science courses, including the 3 different laboratory sciences outlined above, or

(b) Complete 3 transferable courses, each equivalent to 4-semester credit hours, in Laboratory Science courses from a regionally accredited institution of higher education, including the 3 different Laboratory Sciences outlined above or

(c) Attains the following minimum scores on any of the following standardized tests:

<table>
<thead>
<tr>
<th>SAT II: Subject Test</th>
<th>ACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemistry Achievement - 600</td>
<td>Natural Science - 20</td>
</tr>
<tr>
<td>Biology Achievement - 590</td>
<td></td>
</tr>
<tr>
<td>Physics Achievement - 620</td>
<td></td>
</tr>
</tbody>
</table>

(4) Foreign Language

Applicants must demonstrate competency in Foreign Language by any of the following options or any combination of the following options. It is strongly recommended that students take a third year of the same foreign language and that they take a foreign language during their Senior Year of high school.

(a) Complete 2 high school credits in the same Foreign
Language; or

(b) Complete 2 transferable courses, each equivalent to 3-semester credit hours, in the same foreign language from a regionally accredited institution of higher education; or

(c) Attain a minimum score as stated in the University general catalog on a national standardized foreign language test (such as a college board advanced placement examination, college level examination program—CLEP subject examination or SAT II Subject Test.) Special assessment procedures will be available for those desiring to demonstrate minimum proficiency in a foreign language for which such standardized tests do not exist; or

(d) Be certified as having been placed into the third semester or above in a foreign language at a regionally accredited institution of higher education based on results of a standardized foreign language placement test administered by that institution.

(5) Social Science

Applicants must demonstrate competency in Social Science by completing at least 1 year of study in American History and at least 1 additional year of study in 1 other social science field such as: European or World History, Economics, Sociology, Geography, Government, Psychology, or Anthropology.

Competency may be demonstrated by any one or any combination of the following options:

(a) Complete 2 high school credits in Social Science courses including the 2 different Social Sciences listed above, or

(b) Complete 2 transferable courses, each equivalent to 3-semester credit hours in Social Science from a regionally accredited institution of higher education including the 2 different Social Sciences listed above, or
(c) Attains the minimum SAT II Subject Test scores of 560 in American History and Social Studies or 580 in World History.

(6) Fine Arts or Career and Technical education

Competency may be demonstrated by either of the following fine arts or career and technical education options:

(a) Fine Arts

Fine Arts courses are defined as those that provide the opportunity to gain experience and knowledge in the production and performance; analysis, interpretation, and evaluation; and historical and cultural aspects of the visual and performing arts. Courses must combine theory and practice and include critical thinking skills.

Applicants must demonstrate competency in Fine Arts by completing any of the following options:

(1) Completes 1 high school credit in a Fine Art or any combination of 2 semesters of high school Fine Arts courses; or

(2) Completes 1 transferable course, equivalent to 3-semester credit hours, in Fine Arts from a regionally accredited institution of higher education.

(b) Career and Technical Education

Applicants must demonstrate competency in career and technical education (CTE) by completing at least 1 year of study in a CTE course that is part of a CTE program approved by the CTE division of the Arizona Department of Education (ADE).

Competency may be demonstrated by any one of the following options:

(1) Complete 1 high school credit in a CTE course or 2 semesters of high school CTE
courses included in the same CTE program approved by ADE, or

(2) Complete 1 course, equivalent to 3-semester credit hours, from a regionally accredited institution of higher education in CTE corresponding to a CTE program approved by ADE or an approved associate degree or certificate program at that institution.

2. Each university will admit all undergraduate applicants who are residents of Arizona and who complete the Arizona General Education Curriculum (AGEC-A, AGEC-B or AGEC-S) and have a minimum cumulative grade point average of 2.5 or have an Associate or higher degree from a regionally accredited institution of higher education and have a minimum 2.00 on a 4.00=A scale.

3. Each university will admit all home schooled students who meet common criteria to be established by the universities.

B. Delegated undergraduate admission

1. Each university may use its discretion in admitting non-resident and resident applicants for undergraduate admission who do not meet the requirements in ABOR Policy 2-102A (Undergraduate Admission, Requirements for Assured Admission of Residents of Arizona) provided the applicants lack no more than 1 credit in 2 of the basic competency subjects required in ABOR Policy 2-102A.1.b. (Undergraduate Admission Requirements for Assured Admission for Residents of Arizona, Basic Competencies), except not in both Mathematics and Laboratory Science, and

   a. Have fewer than 24 transferable college or university credit hours and rank in the upper 50-74 percentile (second quartile) of their high school graduating class or have a cumulative high school grade point average of 2.50 or above on a 4.00=A scale, or

   b. Have completed the Arizona General Education Curriculum (AGEC) with cumulative grade point average of at least A 2.00 on a 4.00=A scale, or

   c. Have 24-59 transferable college or university credit hours in academic courses such as English, Mathematics, Social Science, Physical or Life Sciences, Foreign Languages, or the Humanities with a cumulative
grant point average of at least 2.50 on a 4.00=A scale, or

d. Have 60 or more transferable college or university credit hours with a cumulative grant point average of at least 2.00 on a 4.00=A scale.

2. Students admitted under the conditions in ABOR Policy 2-121B.1.a and B.1.b (Undergraduate Admission, Delegated Undergraduate Admission) must satisfy any deficiencies in the basic competencies and may be required to participate in special programs designed to strengthen academic preparedness for University-level courses.

3. Each University will consider a high school credit in career and technical education as part of the delegated admissions process. Career and technical education courses are defined as those high school courses in career and technical disciplines that include competencies beneficial to college preparation. These courses should be selected from those that include the highest level of competencies in the Arizona secondary school curriculum for career and technical education.

4. A University may require that, in order to complete an application for admission, applicants must submit scores on additional standardized tests for placement in basic proficiency courses.

5. Each University may limit the number of qualified non-residents admitted if the University concludes that exceeding that number may have a negative impact on the services and the quality of education provided for resident students.

6. Each University may adopt alternative admission requirements for applicants who are age 22 or older and who demonstrate readiness for college-level study.

7. Each University may establish a special University admission committee that may admit students who meet at least one of the criteria listed below. No more than 10 percent of the students admitted for each semester may be admitted by the special admission committee unless authorized by the Board. Students who are required to meet the basic competencies of ABOR Policy 1-121A.2 (Undergraduate Admission) yet lack 1 credit in only 1 or 2 of the competency subject areas, are not included in the 10 percent limitation.

a. Students who have high school grant point averages of at least 2.00 on a 4.00=A scale and either upward grade trends during high school or upward grade trends during the Senior Year in academic courses such as Mathematics, English, Social Science,
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Science and Foreign Languages; or

b. Students who have positive written recommendations from professional individuals who are personally familiar with their academic potential as demonstrated by work experience, leadership ability, or extracurricular activities.

8. Honorably discharged veterans who have served in the Armed Forces of the United States for a minimum of 2 years and who were previously enrolled at a University of Community College in Arizona may be admitted by the criteria in ABOR Policy 2-121A or B. (Undergraduate Admission, Requirements for Assured Admission for Residents of Arizona or Delegated Undergraduate Admission) except that no failing grades received by such veterans at any Arizona University of Community College prior to their military service may be considered. Students readmitted under this Section are subject to progression, retention, graduation, and other academic regulations and standards of the University. (A.R.S. §15-1626)

C. Undergraduate Admissions for Northern Arizona University Joint Admission Programs and NAU-Yavapai

1. Joint Admission Programs and NAU-Yavapai consist of formal agreements between Northern Arizona University and an Arizona public Community College.

2. Northern Arizona University may admit students who are regularly admitted to the Community College into Joint Admission Programs and NAU-Yavapai Undergraduate Programs. Students admitted into these programs are exempt from meeting other admissions requirements described elsewhere in this Policy.

3. If the Community College determines, through transcript evaluation, placement testing or other methods, that a student lacks any basic competencies needed to complete college-level coursework, the student will be required to successfully complete developmental coursework before being permitted to enroll in Northern Arizona University courses.

4. To remain in good standing and progress through the program, students admitted into the Joint Admission Programs and NAU-Yavapai must participate in academic advising and academic planning, as required by Northern Arizona University, and meet all requirements for continuing students at Northern Arizona University including minimum grand point average.

5. Students in the Joint Admission Programs and NAU-Yavapai who wish to
participate or enroll in another NAU Campus or Program must meet the admission requirements for Community College transfer students.

D. The Board of Regents prescribes that the institutions under its jurisdiction evaluate, without prejudice, applicants for admission from regionally accredited institutions of higher education or higher education institutions that are candidates for regional accreditation on the individual merits of their academic achievement and individual capability to complete the courses and the curriculum requirements. No institution under the jurisdiction of the Board will refuse, on the basis of Policy, to recognize the degrees or accept the transfer of credits from a regionally accredited institution of higher education or higher education institutions that are candidates for regional accreditation.

E. Special Admission of Students

1. Each university will establish admission requirements that allow the admission of students under age 18, home-schooled students and students seeking admission through general education development (GED) test scores.

2. Students will not be denied admission because of age, lack of a high school diploma or high school certificate of equivalency, grade in school, lack of permission of school officials, or lack of concurrent enrollment in a public or private school.

3. Students who are degree seeking must meet basic competency requirements outlined in ABOR Policy 2-121A.1.b (Undergraduate Admission, Requirements for Assured Admission for Residents of Arizona, Basic Competencies).

4. The University may establish a maximum number of semester credit hours in which a student admitted under this section may enroll. The maximum will not be fewer than 6 semester credit hours per semester.

F. Exception for Students who Graduate from Non-accredited Arizona Public Charter Schools

1. Students who graduate from non-accredited Arizona Public Charter Schools shall be evaluated for admission using the requirements outlined in ABOR Policy 2-121A and B (Undergraduate Admission, Requirements for Assured Admission for Residents of Arizona and Delegated Undergraduate Admission).

G. The Universities will report annually to the Board on the use of discretion in the admission of applicants as described under ABOR Policy 2-121B (Undergraduate Admission, Delegated Undergraduate Admission) using a
format approved by the President of the Board. Performance measures necessary for evaluating the achievement of Board-approved goals for access to the University System by eligible high school graduates and persistence to completion of Baccalaureate degree programs by University undergraduates will also be reported on an annual basis.
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2-121 UNDERGRADUATE ADMISSION

THE ADMISSION STANDARDS OUTLINED IN THIS POLICY REPRESENT UNDERGRADUATE DOMESTIC ADMISSION REQUIREMENTS FOR THE ARIZONA UNIVERSITY SYSTEM. ADMISSION STANDARDS ARE ESTABLISHED TO ENSURE STUDENTS ARE PREPARED TO SUCCEED IN COLLEGE. EACH UNIVERSITY MAY ADOPT ADDITIONAL REQUIREMENTS FOR ADMISSION TO COLLEGES, SCHOOLS OR OTHER ACADEMIC UNITS WITHIN THE UNIVERSITY.

A. FRESHMAN APPLICANTS

A FRESHMAN IS DEFINED AS A STUDENT WHO HAS GRADUATED FROM A REGIONALLY ACCREDITED HIGH SCHOOL AND HAS FEWER THAN 12 TRANSFERABLE COLLEGE CREDITS POST-HIGH SCHOOL.

1. ADMISSION CRITERIA FOR RESIDENTS AND NON-RESIDENTS

a. ASSURED ADMISSION

(1) EACH UNIVERSITY WILL ADMIT UNDERGRADUATE APPLICANTS, FROM REGIONALLY ACCREDITED HIGH SCHOOLS, WHO MEET THE 16 ACADEMIC COURSEWORK COMPETENCY REQUIREMENTS, HEREIN AFTER CALLED “CORE” OR “CORE COMPETENCIES,” AND DEMONSTRATE APTITUDE FOR COURSEWORK BY EARNING A 3.00 UNWEIGHTED CORE GRADE POINT AVERAGE (GPA) ON A 4.00 = A SCALE IN THE CORE COMPETENCIES OUTLINED IN SECTION ABOR POLICY 2-121C OR RANK IN THE TOP 25 PERCENT OF THEIR GRADUATING HIGH SCHOOL CLASS.

(2) EACH UNIVERSITY WILL ADHERE TO THE CORE GPA AS THE PRIMARY CONSIDERATION FOR ASSURED ADMISSION.

b. DELEGATED ADMISSION

(1) EACH UNIVERSITY MAY USE ITS DISCRETION IN ADMITTING APPLICANTS WHO DO NOT MEET THE ASSURED ADMISSION REQUIREMENTS, PROVIDED THE APPLICANT EARN A CORE HIGH SCHOOL GRADE POINT AVERAGE (GPA) OF 2.5 OR ABOVE ON A 4.00 = A SCALE IN THE CORE COMPETENCIES AND HAVE NO MORE THAN 2 DEFICIENCIES. THESE 2 DEFICIENCIES CANNOT BE IN THE SAME CORE
SUBJECT AREA OR A COMBINATION OF MATH AND LABORATORY SCIENCE.

EACH UNIVERSITY MAY LIMIT THE NUMBER OF QUALIFIED NON-RESIDENTS ADMITTED IF THE UNIVERSITY CONCLUDES THAT EXCEEDING THAT NUMBER MAY HAVE A NEGATIVE IMPACT ON THE SERVICES AND THE QUALITY OF EDUCATION FOR RESIDENT STUDENTS.

2. HOME-SCHOOLED STUDENT CRITERIA
   a. EACH UNIVERSITY WILL ADMIT HOME-SCHOOLED STUDENTS WHO MEET CRITERIA DEVELOPED AND ESTABLISHED BY EACH UNIVERSITY. AS POSSIBLE, THE UNIVERSITIES WILL FOLLOW THE ADMISSION CRITERIA OUTLINED IN A.1.A. AND B.

B. TRANSFER APPLICANTS

A TRANSFER APPLICANT IS DEFINED AS A STUDENT WHO HAS ATTENDED ONE OR MORE COLLEGES/UNIVERSITIES AND HAS COMPLETED 12 OR MORE TRANSFERRABLE COLLEGE OR UNIVERSITY CREDITS POST-HIGH SCHOOL.

1. RESIDENT ADMISSION CRITERIA
   a. ASSURED ADMISSION
      (1) EACH UNIVERSITY WILL ADMIT ALL ARIZONA RESIDENT UNDERGRADUATE APPLICANTS WHO COMPLETE THE ARIZONA GENERAL EDUCATION CURRICULUM (AGEC-A, AGEC-B OR AGECS) AND HAVE A MINIMUM CUMULATIVE GRADE POINT AVERAGE OF 2.50 OR HAVE AN ASSOCIATE OR HIGHER DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION AND HAVE A MINIMUM 2.00 ON A 4.00 = A SCALE.

   b. DELEGATED ADMISSION
      (1) EACH UNIVERSITY MAY USE ITS DISCRETION IN ADMITTING OTHER RESIDENT APPLICANTS FOR UNDERGRADUATE ADMISSION WHO DO NOT MEET THE ASSURED ADMISSION REQUIREMENTS PROVIDED THAT THE APPLICANTS MEET THE
FOLLOWING REQUIREMENTS:

(a) HAVE NO MORE THAN 2 DEFICIENCIES. THESE 2 DEFICIENCIES CANNOT BE IN THE SAME CORE SUBJECT AREA OR A COMBINATION OF MATH AND LABORATORY SCIENCE, AND

(b) HAVE FEWER THAN 24 TRANSFERABLE COLLEGE OR UNIVERSITY CREDIT HOURS (12 – 23 CREDIT HOURS) AND HAVE A CORE HIGH SCHOOL GRADE POINT AVERAGE OF 2.00 OR ABOVE ON A 4.00 = A SCALE, OR

(c) HAVE COMPLETED THE ARIZONA GENERAL EDUCATION CURRICULUM (AGEC) WITH CUMULATIVE GRADE POINT AVERAGE OF AT LEAST A 2.00 ON A 4.00 = A SCALE, OR

(d) HAVE 24 OR MORE TRANSFERABLE COLLEGE OR UNIVERSITY CREDIT HOURS WITH A CUMULATIVE GRANT POINT AVERAGE OF AT LEAST 2.00 ON A 4.00 = A SCALE.

2. NON-RESIDENT ADMISSION CRITERIA

EACH UNIVERSITY MAY LIMIT THE NUMBER OF QUALIFIED NON-RESIDENTS ADMITTED IF THE UNIVERSITY CONCLUDES THAT EXCEEDING THAT NUMBER MAY HAVE A NEGATIVE IMPACT ON THE SERVICES AND THE QUALITY OF EDUCATION FOR RESIDENT STUDENTS. ADMISSION CRITERIA MAY VARY BY UNIVERSITY AND PROGRAMS.

a. DELEGATED ADMISSION

(1) EACH UNIVERSITY MAY USE ITS DISCRETION IN ADMITTING NON-RESIDENT APPLICANTS FOR UNDERGRADUATE ADMISSION PROVIDED THE APPLICANTS MEET THE FOLLOWING REQUIREMENTS:

(a) HAVE NO MORE THAN 2 DEFICIENCIES. THESE 2 DEFICIENCIES CANNOT BE IN THE SAME CORE SUBJECT AREA OR A COMBINATION OF MATH AND LABORATORY SCIENCE, AND

(b) HAVE FEWER THAN 24 TRANSFERABLE COLLEGE OR UNIVERSITY CREDIT HOURS (12 –
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23 CREDIT HOURS) AND HAVE A CORE HIGH SCHOOL GRADE POINT AVERAGE OF 2.00 OR ABOVE ON A 4.00 = A SCALE, OR

(c) HAVE 24 OR MORE TRANSFERABLE COLLEGE OR UNIVERSITY CREDIT HOURS WITH A CUMULATIVE TRANSFER GRADE POINT AVERAGE OF AT LEAST 2.00 ON A 4.00 = A SCALE.

C. CORE COMPETENCIES

1. AN APPLICANT MUST DEMONSTRATE ACADEMIC COMPETENCY IN EACH OF THE CORE SUBJECTS LISTED BELOW. STUDENTS WHO CHOOSE TO DEMONSTRATE THEIR COMPETENCY IN A SUBJECT BY COMPLETING APPROPRIATE HIGH SCHOOL OR COLLEGE COURSES MUST ATTAIN AN OVERALL GRADE POINT AVERAGE OF AT LEAST 2.00 ON A 4.00 = A SCALE IN EACH SUBJECT AREA. IF THE CORE SUBJECT AREA GPA FALLS BELOW A 2.00 ON A 4.00 SCALE, IT WILL BE CONSIDERED A DEFICIENCY. A HIGH SCHOOL CREDIT IS DEFINED AS 1 YEAR OF STUDY.

2. A UNIVERSITY MAY REQUIRE THAT, IN ORDER TO COMPLETE AN APPLICATION FOR ADMISSION, APPLICANTS MUST SUBMIT SCORES FROM COLLEGE ADMISSION STANDARDIZED TESTS FOR PLACEMENT IN BASIC PROFICIENCY COURSES.
| SUBJECT AREA           | ABOR DESCRIPTION                                                                 | OR ACT SCORE                        | OR SAT SCORE                                                   | OR COLLEGE                                                      |
|-----------------------|-----------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------|
| English 4 credits/years| English must include literature and have a substantial emphasis on grammar and composition. Courses such as journalism, business communications, and speech, for example may improve a student’s ability in english, but they are not devoted exclusively to the study of english and may not be substituted for a regular english course. | English sub score of 21 or above.   | Critical reading score of 530 or above pre-march 2016 or 580 or above march 2016 or later. | One 3-credit transferable english course                         |
| Composition/ Literature |                                                                                   |                                     |                                                                 |                                                                |                                                                  |
| Mathematics 4 credits/years | Applicants must complete 4 high school credits in college preparatory mathematics including algebra i and ii, geometry, and culminating in 1 credit in advanced mathematics for which algebra ii is a prerequisite. It is strongly recommended that students take mathematics during their senior year of high school. | Math sub score of 24 or above.      | Math score of 540 or above pre-march 2016 or 570 or above march 2016 or later. | One transferable 3-credit course at the college algebra level or higher. |
| Lab science 3 credits/years | A laboratory science course is defined as a course in which at least 1 class period each week is devoted to providing an opportunity for students to manipulate equipment, materials, or specimens, to develop skills in observation and analysis, and to discover, demonstrate, illustrate, or test scientific principles or concepts, such as chemistry, physics, earth sciences and biology. | Natural science sub score of 20 or above. | Sat subject test:  Chemistry—600 or above; Biology—590 or above; Physics—620 or above | Three transferable courses each equivalent to 4-credit lab science courses (only two may be in the same field) |
| Social science 2 credits/years | Applicants must demonstrate competency in social science by completing at least 1 year of study in american history and at least 1 additional year of study in 1 other social science field such as: european or world history, economics, sociology, geography, government, psychology, or anthropology. | N/a                                  | Sat subject test scores: American history/social studies: 560 or above; European/world culture: 580 or above | One 3-credit american history course and one 3-credit social science course |
| Second language 2 credits/years | Applicants must demonstrate competency in a second language by completing 2 high school credits in the same second language. | N/a                                  | Attain a minimum score on a national standardized language test such as ap or clep examination scores; or earn certified placement into third college-level semester of higher based on an exam given by an accredited institution of higher education. | One year of study in the same language; includes american sign language. |
| Fine arts 1 credit /year ----- of ----- Cte 1 credit/year | Fine arts courses are defined as those that provide the opportunity to gain experience and knowledge in the production and performance; analysis, interpretation, and evaluation; and historical and cultural aspects of the visual and performing arts. Courses must combine theory and practice and include critical thinking skills. | N/a                                  | N/a                                                             | One 3-credit fine arts class.                                   |
|                        | Competency may be demonstrated by completing 1 high school credit in a cte course or 2 semesters of high school cte | N/a                                  | N/a                                                             | One 3-credit cte course in to a cte program approved by ade.    |
D. SPECIAL ADMISSION CONSIDERATION AND TYPES

1. EACH UNIVERSITY WILL ESTABLISH ADMISSION REQUIREMENTS THAT ALLOW THE ADMISSION OF STUDENTS UNDER AGE 18 AND STUDENTS SEEKING ADMISSION THROUGH GENERAL EDUCATION DEVELOPMENT (GED) OR OTHER RELEVANT EQUIVALENCY EXAMS.

2. THE UNIVERSITY MAY ESTABLISH A MAXIMUM NUMBER OF SEMESTER CREDIT HOURS IN WHICH A STUDENT ADMITTED UNDER THIS SECTION MAY ENROLL. THE MAXIMUM WILL NOT BE FEWER THAN 6 SEMESTER CREDIT HOURS PER SEMESTER.

3. STUDENTS WHO GRADUATE FROM NON-ACCREDED ARIZONA PUBLIC CHARTER SCHOOLS SHALL BE EVALUATED FOR ADMISSION USING THE REQUIREMENTS OUTLINED IN ABOR POLICY 2-121A.

4. STUDENTS ADMITTED WITHOUT THE COMPLETION OF THE CORE COMPETENCIES MAY BE REQUIRED TO SATISFY ONE OR MORE DEFICIENCIES OR MAY BE REQUIRED TO PARTICIPATE IN SPECIAL PROGRAMS DESIGNED TO STRENGTHEN ACADEMIC PREPAREDNESS FOR UNIVERSITY-LEVEL COURSES.

5. EACH UNIVERSITY MAY ADOPT ALTERNATIVE ADMISSION REQUIREMENTS FOR APPLICANTS WHO ARE AGE 22 OR OLDER AND WHO DEMONSTRATE READINESS FOR COLLEGE-LEVEL STUDY.

6. EACH UNIVERSITY MAY ESTABLISH A SPECIAL UNIVERSITY ADMISSION COMMITTEE THAT MAY ADMIT STUDENTS WHO MEET AT LEAST ONE OF THE CRITERIA LISTED BELOW. NO MORE THAN 10 PERCENT OF THE STUDENTS ADMITTED FOR EACH SEMESTER MAY BE ADMITTED BY THE SPECIAL ADMISSION COMMITTEE UNLESS AUTHORIZED BY THE BOARD. STUDENTS WHO MEET THE DELEGATED ADMISSION CRITERIA FOR FRESHMAN AND TRANSFER APPLICANTS IN THE ABOVE SECTIONS ARE NOT INCLUDED IN THE 10 PERCENT LIMITATION.

   a. STUDENTS WHO HAVE A CORE HIGH SCHOOL GRADE POINT AVERAGE OF AT LEAST 2.00 ON A 4.00 = A SCALE AND EITHER UPWARD GRADE TRENDS DURING HIGH SCHOOL IN ACADEMIC COURSES SUCH AS MATHEMATICS, ENGLISH, SOCIAL SCIENCE, SCIENCE AND SECOND LANGUAGES; OR
EXECUTIVE SUMMARY

b. STUDENTS WHO HAVE POSITIVE WRITTEN RECOMMENDATIONS FROM PROFESSIONAL INDIVIDUALS WHO ARE PERSONALLY FAMILIAR WITH THEIR ACADEMIC POTENTIAL AS DEMONSTRATED BY WORK EXPERIENCE LEADERSHIP ABILITY, OR EXTRACURRICULAR ACTIVITIES.

7. HONORABLY DISCHARGED VETERANS WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES FOR A MINIMUM OF 2 YEARS AND WHO WERE PREVIOUSLY ENROLLED AT A UNIVERSITY OR COMMUNITY COLLEGE IN ARIZONA MAY BE ADMITTED BY THE CRITERIA IN THIS POLICY, EXCEPT THAT NO FAILING GRADES RECEIVED BY SUCH VETERANS AT ANY ARIZONA UNIVERSITY OR COMMUNITY COLLEGE PRIOR TO THEIR MILITARY SERVICE MAY BE CONSIDERED. STUDENTS READMITTED UNDER THIS SECTION ARE SUBJECT TO PROGRESSION, RETENTION, GRADUATION, AND OTHER ACADEMIC REGULATIONS AND STANDARDS OF THE UNIVERSITY. (A.R.S. §15-1626).

8. THE UNIVERSITIES WILL REPORT ANNUALLY TO THE BOARD ON THE USE OF DISCRETION IN THE ADMISSION OF APPLICANTS AS DESCRIBED ABOVE USING A FORMAT APPROVED BY THE PRESIDENT OF THE BOARD. PERFORMANCE MEASURES NECESSARY FOR EVALUATING THE ACHIEVEMENT OF BOARD-APPROVED GOALS FOR ACCESS TO THE UNIVERSITY SYSTEM BY ELIGIBLE HIGH SCHOOL GRADUATES AND PERSISTENCE TO COMPLETION OF BACCALAUREATE DEGREE PROGRAMS BY UNIVERSITY UNDERGRADUATES WILL ALSO BE REPORTED ON AN ANNUAL BASIS.

9. NO INSTITUTION UNDER THE JURISDICTION OF THE BOARD WILL REFUSE, ON THE BASIS OF POLICY, TO RECOGNIZE THE DEGREES OR ACCEPT THE TRANSFER OF CREDITS FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION OR HIGHER EDUCATION INSTITUTIONS THAT ARE CANDIDATES FOR REGIONAL ACCREDITATION.

10. UNDERGRADUATE ADMISSIONS FOR NORTHERN ARIZONA UNIVERSITY JOINT ADMISSION PROGRAMS AND NAU-YAVAPAI

   a. JOINT ADMISSION PROGRAMS AND NAU-YAVAPAI ARE GOVERNED BY AGREEMENTS BETWEEN NORTHERN ARIZONA UNIVERSITY AND AN ARIZONA PUBLIC COMMUNITY COLLEGE.
(1) NORTHERN ARIZONA UNIVERSITY MAY ADMIT STUDENTS WHO ARE REGULARLY ADMITTED TO THE COMMUNITY COLLEGE INTO JOINT ADMISSION PROGRAMS AND NAU-YAVAPAI UNDERGRADUATE PROGRAMS. STUDENTS ADMITTED INTO THESE PROGRAMS ARE EXEMPT FROM MEETING OTHER ADMISSIONS REQUIREMENTS DESCRIBED ELSEWHERE IN THIS POLICY.

(2) IF THE COMMUNITY COLLEGE DETERMINES, THROUGH TRANSCRIPT EVALUATION, PLACEMENT TESTING OR OTHER METHODS, THAT A STUDENT LACKS ANY BASIC COMPETENCIES NEEDED TO COMPLETE COLLEGE-LEVEL COURSEWORK, THE STUDENT WILL BE REQUIRED TO SUCCESSFULLY COMPLETE DEVELOPMENTAL COURSEWORK BEFORE BEING PERMITTED TO ENROLL IN NORTHERN ARIZONA UNIVERSITY COURSES.

(3) TO REMAIN IN GOOD STANDING AND PROGRESS THROUGH THE PROGRAM, STUDENTS ADMITTED INTO THE JOINT ADMISSION PROGRAMS AND NAU-YAVAPAI MUST PARTICIPATE IN ACADEMIC ADVISING AND ACADEMIC PLANNING, AS REQUIRED BY NORTHERN ARIZONA UNIVERSITY, AND MEET ALL REQUIREMENTS FOR CONTINUING STUDENTS AT NORTHERN ARIZONA UNIVERSITY.

(4) STUDENTS IN THE JOINT ADMISSION PROGRAMS AND NAU-YAVAPAI WHO WISH TO PARTICIPATE OR ENROLL IN ANOTHER NAU CAMPUS OR PROGRAM MUST MEET THE ADMISSION REQUIREMENTS FOR COMMUNITY COLLEGE TRANSFER STUDENTS.
EXECUTIVE SUMMARY

Item Name: Report from the Regents Executive Committee Meeting

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☒ Information or Discussion Item

Issue: Regent Patterson will report on the September 1, 2016 Regents Executive Committee Meeting.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Committee Report

There are no written materials for this item.

AGENDA Highlights
Regents Executive Committee
September 1, 2016

1. Annual Personnel Report

Requested Action

This item is provided for information only. No action is required by the board.

Contact Information:
Nancy Tribbensee 602-229-2510 nancy.tribbensee@azregents.edu
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Item Name: Amendments to Presidents’ Contracts

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The board office asks the board to approve proposed amendments to the presidents’ contracts.

Enterprise Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other: Appointment of Presidents

Statutory/Policy Requirements

- A.R.S. § 15-1626 “General Administrative Powers and Duties of the Board”
- Board Policy 6-1101 “Appointments of Presidents”

Background

- Each year, the Regents Executive Committee conducts a preliminary review of each president’s contract. This review includes base and at-risk compensation, performance and other contract terms. The committee also reviewed proposed terms for Dr. Hart’s transition to become a senior member of the University of Arizona faculty following her term as president.
The review of at-risk compensation included evaluation of the achievement of goals assigned for 2015-2016 as well as consideration of goals to be assigned by the full board for 2016-2017.

Compensation designated as “at-risk” will not be paid if the assigned goals are not achieved.

Based on this preliminary review, the attachments describe the proposed contract amendments for each president as follows:

- Attachment A: President Cheng
- Attachment B: President Crow
- Attachment C: President Hart
- Attachment D: President Klein
- Attachment E: The Enterprise Executive Committee

Committee Review and Recommendation

- The committee met on August 31, 2016 and September 1, 2016 to conduct the individual reviews of the presidents. The board is expected to meet with the Enterprise Executive Committee (EEC) on September 21, 2016 to discuss at-risk compensation goals for the EEC.

Requested Action

The board office asks the board to approve the proposed contract amendments as described in the executive summary and attachments and to authorize the board chair to execute contract amendments to reflect this approval.
Recommended board action:

1. Award at-risk compensation to President Cheng for achievement of 2015-2016 goals ($25,000);

2. Award at-risk compensation to President Cheng for achievement of the Enterprise Executive Committee 2015-2016 goals ($15,000 as described in Attachment E); and

3. Assign new goals for at-risk compensation for 2016-2017 (Total possible for full achievement $25,000).

The following pages include the full descriptions for the 2015-2016 goals and the proposed 2016-2017 goals.
FY 2015-16 At-Risk Compensation Goals
for President Cheng

1. Serving Native American Students and Communities

   A. NAU is making progress to close the retention gap between all full-time freshman students and Native American students. Continuing this trend with an increasing Native American student population is critical and will have significant impact on other outcomes, including graduation. There is not a specific goal number to meet, but the board wants to see progress realized between July 1, 2015 and June 30, 2016. The president’s report should include data that demonstrates that the retention gap is closing for Native American students as compared to the historical trend.

   B. In FY15, external dollars from grants and philanthropic gifts which supported Native American programs, scholarships, research and public service totaled $8,169,440. Increasing these external resources must be a priority in order to fulfill our mission and continue to make progress in Native American student success and public service with Native American communities. President Cheng will be personally involved in directing opportunities to achieve this goal and continuing outreach with Native American leaders.

   C. Evaluate the role of the Special Advisors to the President and further define the priorities of this position related to Special Advisor on Native American Affairs. The revised role will include a charge to engage NAU’s Commission on Native American Affairs to conduct a campus-wide assessment of services and programs which serve Native American students and communities. Recommendations for improved campus-wide integrated programming and coordination will be developed and submitted as part of the 2015-2016 performance incentive.

2. Implementing strategies, initiatives and reorganize as necessary to increase effectiveness and the efficiency of NAU’s operations.

   President Cheng will evaluate opportunities for efficiencies and cost-savings in NAU’s business practices. Some of these areas will directly impact NAU’s student services and student learning, while others such as information technology, marketing/communications and other areas, may not be visible to the external university audience. NAU has grown very quickly over the last decade and numerous systems have not advanced as quickly as the institution has grown. It is a testament to the faculty and staff leadership during this time that the organization is
as healthy as it is, but several immediate areas have been identified for review and process improvements over the next year.
# President Cheng – FY 2015 – FY 2017 At-Risk Compensation

<table>
<thead>
<tr>
<th>Annual At-Risk Goals</th>
<th>Paid Sept. 2015</th>
<th>Possible 2016</th>
<th>Possible 2017</th>
<th>Possible 3-Year Total</th>
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<tbody>
<tr>
<td><strong>2014-2015</strong></td>
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<tr>
<td>High quality, effective leadership team</td>
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<td>Develop plan to increase Native American student success</td>
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<td>rates</td>
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<td><strong>2015-2016</strong></td>
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<td>Serving Native American Students and Communities. A)</td>
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<td>Progress in retention gap between full-time freshman</td>
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<td>students and Native American students. B) Increasing</td>
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<td>external resources to continue to make process in Native</td>
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<td>American student success and public service with</td>
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<td>Native American communities. C) Evaluate and define</td>
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<td>the priorities of the role of the Special Advisors to</td>
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<td>the President related to Native American affairs.</td>
<td>$15,000</td>
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<td>Implementing strategies, initiatives and reorganize as</td>
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<td>necessary to increase effectiveness and the efficiency</td>
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<td>of NAU's operations.</td>
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<td><strong>2016-2017</strong></td>
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<tr>
<td>Pending Board action in 2016-2017</td>
<td>$10,000</td>
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<td>Pending Board action in 2016-2017</td>
<td>$15,000</td>
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<tr>
<td>Subtotal Annual At-Risk Compensation</td>
<td>$25,000</td>
<td>$25,000</td>
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<td>$75,000</td>
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## Enterprise Metrics At-Risk Goals:

| Freshman Retention Rate - 75.5%                           |                 | $10,000       | $10,000       |                       |
| Freshman Retention Rate – 76.0% (additional)              |                 | $10,000       | $10,000       |                       |
| Total Research Expenditures – $39.2 million               |                 | $20,000       | $20,000       |                       |
| Total Research Expenditures – $43.1 million (additional)  |                 | $20,000       | $20,000       |                       |
| Bachelor’s Degrees Awarded – 4,625                        |                 | $10,000       |               | $10,000               |
| Community College Transfers – 3,200                       |                 | $10,000       |               | $10,000               |
| Subtotal Enterprise Metrics At-Risk Compensation          | $90,000         |               |               | $90,000               |

## University Initiatives At-Risk Goals:

| Extended Campuses (Personalized Learning)                  |                 | $20,000       | $20,000       |                       |
| Strategic plan Allied health programs at Phoenix Biomedical|                 | $20,000       |               | $20,000               |
| NAU resource development plan                              |                 | $10,000       |               | $10,000               |
| Subtotal University Initiatives At-Risk Compensation       | $50,000         |               |               | $50,000               |

## Enterprise Executive Committee

| **2014-2015**                                             |                 |               |               |                       |
| Annual At-Risk Goals                                      |                 |               |               |                       |
| **2015-2016**                                             | $15,000         |               |               |                       |
| Annual At-Risk Goals                                      |                 |               |               |                       |
| **2016-2017**                                             | $15,000         |               |               |                       |
| Pending Board action in 2016-2017                         |                 |               |               |                       |

## TOTAL AT-RISK COMPENSATION

<table>
<thead>
<tr>
<th>Paid</th>
<th>Possible 2016</th>
<th>Possible 2017</th>
<th>Possible 3-Year Total</th>
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<tbody>
<tr>
<td>$40,000</td>
<td>$40,000</td>
<td>$140,000</td>
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</table>
1. President Cheng will provide the board with a written plan describing her strategy for the future of NAU’s remote-to-Flagstaff sites. This plan should describe how these sites will complement NAU’s strategy of statewide access, how the particular program offerings benefit the local community, and how these sites will be financially and academically sustainable. ($15,000)

2. President Cheng will provide a detailed strategy for NAU’s distance learning initiatives. The strategy should address the increased presence of other state and national universities in distance learning offerings. The report should include a description of the relationship between this strategy and NAU’s Personalized Learning initiatives. A written report highlighting action plans and timeframes will demonstrate the achievement of this goal. ($10,000)
ATTACHMENT B

PRESIDENT CROW

Recommended board action:

1. Award at-risk compensation to President Crow for achievement of 2015-2016 goals ($25,000);

2. Award at-risk compensation to President Crow for achievement of the Enterprise Executive Committee 2015-2016 goals ($15,000 as described in Attachment E); and

3. Assign new goals for at-risk compensation for 2016-2017 (Total possible for full achievement $25,000).

The following pages include the full descriptions for the 2015-2016 goals and the proposed 2016-2017 goals.
FY 2015-16 At-Risk Compensation Goals
for President Crow

1. Oversee the design and launch of the entire freshman year in an online interactive curriculum as well as a brand-new tool completely online for Arizona high school completion enhancement. The president’s report should document the steps taken to launch and the expected strategic benefits. The report should also describe the process for continued evaluation of the success of this initiative and how it will be sustained in the future. ($15,000)

2. Complete the multi-year project successfully to design a new ASU partnership with the Mayo clinic and two new ASU schools for the launch of the new Mayo medical school in Arizona. The president’s report should describe the status of the partnership as of July 1, 2015 and progress made as of June 30, 2016. The report should describe any actions taken by ASU during this period and articulate the benefit to Arizona in addition to the benefits to the students and programs of ASU. ($10,000)
## President Crow – FY 2016 – FY 2018 At-Risk Compensation

<table>
<thead>
<tr>
<th>Annual At-Risk Goals:</th>
<th>Possible 2016</th>
<th>Possible 2017</th>
<th>Possible 2018</th>
<th>Possible 3-Year Total</th>
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<tbody>
<tr>
<td><strong>2015</strong></td>
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<tr>
<td>Design and launch of online freshman interactive curriculum and AZ high school enhancement.</td>
<td>$15,000</td>
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<tr>
<td>Completion of multi-year successfully to design a new ASU partnership with Mayo clinic and 2 new ASU schools for the launch of the new Mayo medical school in AZ.</td>
<td>$10,000</td>
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<td><strong>2016</strong></td>
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<td>Pending Board action in 2016</td>
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<td>Pending Board action in 2016</td>
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<td><strong>2017</strong></td>
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<td>Pending Board action in 2017</td>
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<td>Pending Board action in 2017</td>
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<tr>
<td><strong>Subtotal Annual At-Risk Compensation</strong></td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$75,000</td>
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<table>
<thead>
<tr>
<th>Enterprise Metrics At-Risk Goals:</th>
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</thead>
<tbody>
<tr>
<td>Freshman Retention - 85.2%</td>
<td></td>
<td>$10,000</td>
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<tr>
<td>Freshman Retention - 88% (additional)</td>
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<td>$10,000</td>
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<tr>
<td>Research Expenditures - $562.5 million</td>
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<td>$20,000</td>
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<tr>
<td>Research Expenditures - $607.4 million (additional)</td>
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<td>$20,000</td>
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<tr>
<td>Bachelor's Degrees awarded - 16,246</td>
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<td>$10,000</td>
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<td>Total Students enrolling in the university - 100,184</td>
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<tr>
<td>Number of Degrees in High Demand Fields - 9,450</td>
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<tr>
<td><strong>Subtotal Enterprise Metrics At-Risk Compensation</strong></td>
<td>$90,000</td>
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<table>
<thead>
<tr>
<th>University Initiatives At-Risk Goals:</th>
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<tbody>
<tr>
<td>Attain top three ranking in the PAC 12 for academic performance of ASU student athletes.</td>
<td></td>
<td>$10,000</td>
<td>$20,000</td>
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</tr>
<tr>
<td>Increase fundraising to more than $165 million per year over the 3 year average of FY16, FY17 and FY18.</td>
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<td>$20,000</td>
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<tr>
<td>Launch and operate America's largest engineering school successfully with 90% student retention.</td>
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<td>$20,000</td>
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<tr>
<td><strong>Subtotal University Initiative At-Risk Compensation</strong></td>
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<tr>
<th>Enterprise Executive Committee</th>
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<tbody>
<tr>
<td><strong>2015</strong></td>
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<td><strong>2016</strong></td>
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<td>Pending Board action in 2016</td>
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<tr>
<td><strong>2017</strong></td>
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<td>$15,000</td>
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<tr>
<td><strong>TOTAL AT-RISK COMPENSATION</strong></td>
<td>$40,000</td>
<td>$40,000</td>
<td>$180,000</td>
<td>$260,000</td>
</tr>
</tbody>
</table>
At-Risk Compensation Proposed Goals for 2016-2017 for President Crow

1. President Crow will lead the design and launch of a “Math Transformation” – a fundamentally altered curricular design and course pedagogy to eliminate math as the "rate limiter" for student success in both STEM related fields and in all other areas of academic advancement.

   Achievement of this goal will include the design and launch of a learning approach and format that when applied to an array of courses will provide the adaptive learning platform capable of changing ASU course success rates to more than 80% mastery from around 50% mastery. Achievement of this performance metric will also require proving the viability of the approach with at least 3 large scale deployed courses. ($15,000)

2. President Crow will lead the design and launch of a full scale ASU brand tracking system and brand enhancement strategy. In addition, ASU will focus on the deep education of its students regarding the emergence of ASU as a unique world class research university.

   ASU has emerged as a highly innovative world class research university that has maintained egalitarian admission standards. This new ASU, ASU as the New American University, now merits its own unique brand and this effort will assess, outline and advance the newly achieved status for ASU as a brand tracking and enhancement project. These efforts will be carried out internally and externally.

   Success will be measured in the market by positive enhancement of ASU perception through brand tracking and analysis. Internally success will be measured through changes in understanding by ASU students of the university’s type and performance. ($10,000)
ATTACHMENT C

PRESIDENT HART

Recommended board action:

1. Approve transition terms;

2. Award at-risk compensation to President Hart for achievement of 2015-2016 goals ($25,000);

3. Award at-risk compensation to President Hart for achievement of the Enterprise Executive Committee 2015-2016 goals ($15,000 as described in Attachment E); and

4. Assign new goals for at-risk compensation for 2016-2017 (Total possible for full achievement $25,000).

The following pages include the full descriptions for the transition terms, the 2015-2016 goals and the proposed 2016-2017 goals.
Transition Terms for Dr. Hart

A. At the June 2016 board meeting, Dr. Hart provided notice to the Board of her desire not to seek an extension to her multiple-year employment contract with the board. The current term of that contract goes through June 30, 2018. The contract also allows for an earlier transition if the board identifies a new president for the University of Arizona prior to June 30, 2018.

B. Each university president’s contract provides for a faculty appointment for the president. That appointment is unpaid while the individual serves as president. The contract anticipates that additional details about the faculty appointment will be negotiated prior to the transition to faculty.

C. At its June 22, 2016 special board meeting, the board designated Regents Heiler and Patterson to work with President Hart to develop terms for her transition to University of Arizona faculty. The proposed transition terms were developed through those discussions.

D. Although the board and Dr. Hart have not identified a date for her transition to faculty, the following terms relating to the transition are submitted for board approval now to facilitate transition planning.
   a. The Board and Dr. Hart agree to work together to facilitate an effective and successful transition in presidential leadership for the University of Arizona.
   b. Upon the termination of the multiple-year employment contract, the University of Arizona will issue a Notice of Appointment to Dr. Hart to become University Professor at the rank of full professor with tenure in the Department of Policy Studies and Leadership in Education (the Department) in the College of Education. She will report to the University Provost and her salary and benefits will be paid from university funds.
   c. This faculty appointment will include an academic year salary and benefits equivalent to the academic year salary and benefits of the highest paid faculty member of the College of Education, and staff support, graduate research assistant support, technology support and office space equivalent to that provided to senior members of the Department faculty.
   d. Dr. Hart will receive and take sabbatical leave for the first academic year of her faculty appointment.
### President Hart – FY 2016 – FY 2018 At-Risk Compensation

<table>
<thead>
<tr>
<th>Annual At-Risk Goals:</th>
<th>Possible 2016</th>
<th>Possible 2017</th>
<th>Possible 2018</th>
<th>Possible 3-Year Total</th>
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<tbody>
<tr>
<td><strong>2015-2016</strong></td>
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<tr>
<td>Completion of new long-range plan for development of the biomedical campus with the City of Phoenix.</td>
<td>$15,000</td>
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<td>Completion of events scheduled for the alumni and friends across the country as laid out for completion during 2015-16 in the ArizonaNow Campaign plan.</td>
<td>$10,000</td>
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<td>Enterprise Metrics At-Risk Goals:</td>
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<td>Freshman Retention - 83%</td>
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<td>Freshman Retention - 84% (additional)</td>
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<td>Research Expenditures - $622.44 million</td>
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<td>Research Expenditures - $636.48 million (additional)</td>
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<td>Bachelor's Degrees awarded - 7,771</td>
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<td>Total Students enrolling in the university - 48,607</td>
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<td>Number of Degrees in High Demand Fields - 4,419</td>
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<td>Subtotal Enterprise Metrics At-Risk Compensation</td>
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<td>University Initiatives At-Risk Goals:</td>
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<td>Medical School Research &amp; Development Expenditures will comprise 30% of our university total research expenditures reported on the NSF Higher Education Research Data survey as the UA grows it 18% from $159.1 M to 186.7M by 2018</td>
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<td>85% of graduating seniors will have completed a UA approved Engaged Learning Experience to earn a formal notation on their transcript.</td>
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<td>Establish the UA Oro Valley Campus, defined by 1) enrolled students in the DVM program and on schedule for accreditation of the DVM program, and 2) approved One Health research center with at least three researchers hired.</td>
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<td>Enterprise Executive Committee</td>
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FY 2015-16 At-Risk Compensation Goals for President Hart

1. For 2015-16 academic year, the completion of a new long-range plan for the development of the biomedical campus with the City of Phoenix which includes other partners as laid out in the plan approved by Mayor Stanton and the Phoenix City Council.

- The UA, and any potential development partners, propose to develop up to 5 acres of land on the Phoenix Biomedical Campus (PBC) south of Fillmore Street, aligned with the City Council adopted PBC Comprehensive Master Plan.
- The City of Phoenix and UA have jointly agreed to pursue collaboration for the phased development of bioscience and related uses on City-owned land in the PBC contained within the PBC Master-planned campus boundaries south of Fillmore Street, as well as City property on Fillmore east of 7th Street, all currently vacant and not subject to an existing lease. This property totals about 5 acres.
- Subject to the density and uses identified through an update to the existing PBC Comprehensive Master Plan as described, the City will provide the UA an exclusive 10 year lease option at no cost for facility development on the property noted above.
- According to the proposal approved by the Phoenix City Council, Phase 1 of this collaboration would involve the development of a 40,000-60,000 square foot outpatient clinical facility, jointly planned and developed by UA and its development partner, Banner Health. The building will be required to accommodate future vertical construction to ultimately achieve a floor to area ratio (FAR) of 4.9.
- Phase 2, conducted in parallel with the Phase 1 project, would involve an update to the existing PBC Comprehensive Master Plan for all property south of Fillmore conducted in collaboration with the other PBC stakeholders such as Dignity Health/St. Joseph's, ASU, NAU, and others as planning develops.
- Other adjacent non-city owned land outside the boundaries, regardless of location may be considered in the planning process subject to the Parties’ mutual agreement.
- The City has stated that it intends that the density of development in the master planning boundaries be at least 4.9 FAR.

The University of Arizona will work with the City to bring in outside companies that can provide intellectual collaboration with respect to discovery, instruction, and biomedical
EXECUTIVE SUMMARY

Science will be a part of the planning. The final product for the purposes of this incentive will be a complete revised plan. All development action will of course be subject to all necessary approvals by the Board of Regents, the City Council or others as required.

2. For the 2015-16 academic year, the University of Arizona will complete the events scheduled for the alumni and friends across the country as laid out for completion during 2015-16 in the ArizonaNow Campaign plan. Achievement of this goal will demonstrate successful coordination of efforts between the University of Arizona and the University of Arizona Foundation pursuant to the Development Services Agreement and advancement of a common development enterprise. A common development enterprise is the alignment and coordination of University of Arizona and University of Arizona Foundation resources, structures and procedures to increase overall fundraising performance.
At-Risk Compensation Proposed Goals for 2016-2017 for President Hart

1. Work with the Banner and University of Arizona teams to develop a coherent and coordinated communications strategy that emphasizes the long term benefit of the Banner and UA partnership. This should highlight not just the financial benefits and clinical care, but also articulate the vision of a great research university and great clinical organization partnering to create the future of medical care. Demonstration of the achievement of this goal will be a document summarizing the communication messages and a description of the joint activities that led to its development and use.

2. Make significant progress in reestablishing the UA Honors College as an important and competitive part of the university. This will include putting new leadership in place and providing a written plan to the regents with action plans and a schedule to achieve this.
ATTACHMENT D

PRESIDENT KLEIN

Recommended board action:

1. Award at-risk compensation to President Klein for achievement of 2015-2016 goals ($20,000);

2. Award at-risk compensation to President Klein for Achievement of the Enterprise Executive Committee 2015-2016 goals ($15,000 as described in Attachment E); and

3. Assign new goals to President Klein for at-risk compensation for 2016-2017 (Total possible for full achievement $20,000).

The following pages include the full descriptions for the 2015-2016 goals and the proposed 2016-2017 goals for President Klein.
FY 2015-16 At-Risk Compensation Goals
for President Klein

1. Enterprise Communications Plan – Increase board awareness of the universities’ communications and marketing functions and their importance to the enterprise outcomes. Work to raise positive public awareness of ABOR and the university system through implementation of a strategic communications and outreach plan that provides greater alignment of communications activities with the board calendar and maximizes enterprise communications, outreach and impact between and among the universities and the board office. The president’s report should include a detailed written plan that addresses ongoing initiatives planned in this area as well as substantive progress demonstrated in this performance period.

2. Affiliated entities – Work with the board’s executive committee to define the relationship between the board and entities affiliated with the universities. Define the minimum requirements for using an Arizona public university’s name. As part of this goal the president’s report should include specific action plans to address any concerns or opportunities found in this evaluation. The board desires that we have strong positive relationships with our affiliated organizations for the overall good of higher education and our three public universities.
President Klein’s – FY 2016-2017 At-Risk Compensation

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<tr>
<th>Annual At-Risk Goals:</th>
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<th>Possible 3-Year Total</th>
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<td>Affiliated entities - Define the relationships between the board and entities affiliated with the university's name.</td>
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**Enterprise Executive Committee**

| **2015-2016**                             |               |               |               |                       |
| Annual At-Risk Goals                      |               |               | $15,000       |                       |
| **2016-2017**                             |               |               |               |                       |
| Pending Board action in 2016-2017          |               |               | $15,000       |                       |
| **2017-2018**                             |               |               |               |                       |
| Pending Board action in 2017-2018          |               |               | $15,000       |                       |
| **TOTAL AT-RISK COMPENSATION**            | $35,000       | $35,000       | $35,000       | $105,000              |
At-Risk Compensation Proposed Goals for 2016-2017 for President Klein

1. President Klein will suggest updates to the Board’s policies on intellectual property and technology transfer, and suggest enhancements to technology transfer operations and communications to facilitate opportunities to expedite and increase the commercialization of university ideas and inventions.

   Achievement of this incentive will require President Klein to work with the university technology transfer professionals and community leaders to:

   • Analyze the university technology transfer processes;
   • Identify opportunities to enhance the timely and fluid transfer of university intellectual property to the private sector;
   • Enhance awareness of the business community and the public regarding the process and available opportunities;
   • Identify and recommend appropriate board policy updates;
   • Identify opportunities to streamline the technology transfer process;
   • Identify opportunities to improve state policy to encourage the commercialization of university intellectual property;
   • Promote alignment between university technology transfer and state economic development goals.

2. As part of the ABOR 2025 goal to promote higher statewide educational attainment, President Klein will work toward the successful public launch of Achieve60AZ and represent the university enterprise in any public announcement of a statewide educational attainment goal for Arizona. As the facilitator of the alliance of education, business and philanthropic leaders behind Achieve60AZ, she will work to transition Achieve60AZ to a long-term sustainable platform, which may include the establishment of an interim governance structure with fiduciary oversight, funding support and partnership opportunities, work plans, communications, branding and strategic planning. Successful completion includes defining the role of the board and the public universities in the larger initiative and any resulting organization that is created.
ATTACHMENT E

ENTERPRISE EXECUTIVE COMMITTEE

Recommended board action:

1. Award at-risk compensation to members of the EEC for achievement of 2015-2016 goals ($15,000 to each president, as shown in Attachment A-D), and

2. Assign new goals for at-risk compensation for 2016-2017 ($15,000 to each president).

The following pages include the full descriptions for the 2015-2016 goals and the proposed 2016-2017 goals for the Enterprise Executive Committee.
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<th>Annual At-Risk Goals: 2015-2016</th>
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<td>Pursuit of Quality and Excellence</td>
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<td>Review of General Education</td>
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<td>General Education Contribution to Quality</td>
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<td>TOTAL AT-RISK COMPENSATION</td>
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1. Update goals and metrics to 2025. To remain focused on long-term planning and capacity building, the EEC shall review the current enterprise goals and metrics and develop a new framework for the board’s consideration during the 2015-2016 academic year. The framework is intended to guide the work of the institutions and the enterprise. The framework shall include elements such as:
   a. review the current enterprise goals and metrics;
   b. provide updated targets to be reached by the enterprise by 2025;
   c. identify key enterprise objectives for each goal;
   d. note key dependencies and challenges associated with the goals;
   e. include markers of quality, cost effectiveness and other essential elements to be considered as part of the board’s mission to provide affordable and accessible postsecondary education opportunities to Arizonans.

2. Revise the enterprise model for funding from the state. The EEC shall develop a “sustainable funding model” in accordance with the Governor’s request. Although the EEC has invested significant time and energy into developing a performance funding model, the EEC should consider other approaches to secure state funding, including a student-centered funding model. The funding model should create an equitable means for each university to receive funding from the state for both maintenance and operations and capital. The EEC should also purpose ways in which decision packages or other state funding requests can be used to recognize and advance mission differentiation.
At-Risk Compensation Proposed Goals for 2016-2017 for the Enterprise Executive Committee

A. Pursuit of Quality and Excellence

The EEC will design a Quality Framework for the public university enterprise and identify the key quality markers called for in the Enterprise Strategic Plan. The plan will consider:

1) Key Elements of Quality – How do we define Quality in academics and other key aspects of our university enterprise? What quantitative and qualitative measures should we use to demonstrate Quality?

2) Key Processes Used to Assure Quality - What are the major processes we use to assure Quality in academics and other key operations of our university enterprise? How do we ensure consistent quality no matter which path of study a student chooses? What changes in policy or practice can be made to better assure Quality?

3) Key External Measures of Quality - What outside sources and measurements do we look to that reflect quality in academics, research, scholarship and other key aspects of our universities?

B. How General Education Contributes to Quality

The EEC will develop a review series for the Academic Affairs committee that analyzes the essential elements of the General Education curriculum and how the General Education curriculum contributions to the essential knowledge and skills of undergraduates. The EEC will present changes in the delivery of General Education over time, the role of community colleges in the delivery of general education and how quality is assured.
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Item Name: Update on University of Arizona Presidential Search and Approval of Search Guidelines

☑️ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office asks the board to approve the University of Arizona Presidential Search Guidelines.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☑️ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☑️ Other: Presidential Search

Background

The board is conducting a search for the next President for the University of Arizona. As part of the search, the board adopts guidelines to govern the presidential search process. The proposed guidelines are attached.

Requested Action

The board office asks the board to approve the University of Arizona Presidential Search Guidelines.
University of Arizona Presidential Search Guidelines

The presidential search process at the University of Arizona will be conducted in accordance with the following guidelines:

1. Regent Ridenour will serve as chair, and Regent Shoopman will serve as vice chair of the regent’s UA presidential search committee. The board chair will appoint members to a search advisory committee to assist the board in conducting the presidential search in accordance with its charge.

2. At the initiation of the search, the board will meet to discuss and determine the nature of the search and the necessary leadership qualities required of the next UA president.

3. The board will develop a search process that collects feedback and input from various university and other constituencies, including faculty and staff, alumni, students and the communities the university serves.

4. The board will keep the UA community apprised of the search’s progress. All costs associated with the search process and the sources of funding will be publicly disclosed. Throughout the search process, public information regarding the search process will be posted on the board website as it becomes available.

5. As chair, Regent Ridenour will speak for the search advisory committee and all press inquiries should be forwarded to Regent Ridenour.

6. The presidential search will comply with Arizona’s open meetings and public records laws.

7. In addition to a search advisory committee, the board may engage a search consultant to assist in recruiting and evaluating presidential prospects. Consultant services will be procured on a competitive basis in accordance with the board’s procurement rules.

8. The search advisory committee will endeavor to identify and recruit a diverse pool of qualified applicants into the prospect pool.

9. The search advisory committee will evaluate individuals who have applied for or been recruited for the position and will evaluate these prospects using criteria identified in the board-adopted Leadership Characteristics.
10. The search advisory committee will provide aggregated, non-personally identifiable information to the board and to the public with respect to all persons whose qualifications are being reviewed, including but not limited to the following: gender; age; race, ethnicity; current or prior positions held in academia or elsewhere; educational background; and geographic diversity. This information will be available to the public at the conclusion of the search process.

11. The search advisory committee members, assisted by the search consultant and board office, may engage in exploratory conversations with individual prospects to gather information to facilitate the committee’s preliminary assessment of the prospect’s qualifications and if appropriate, to encourage the individual’s participation in the search process.

12. The search advisory committee will conduct a preliminary assessment of the qualifications of each prospect by reviewing all available information pertaining to the prospect, including a review of the prospect’s letter of application or nomination, resume and other related written materials, and by sharing information gathered as a result of the exploratory contacts described above.

13. The search advisory committee will maintain its files, conduct exploratory contacts with individual prospects, and complete its preliminary assessment of the qualifications of prospects in a manner designed to protect the confidential nature of the search process and the privacy interests of the individual prospects.

14. Following its preliminary assessment of the qualifications of the individuals in the prospect pool, the search advisory committee will identify those prospects whose qualifications most nearly match the approved criteria and will invite them to participate in discussions with committee members.

15. The board will review the list of potential candidates forwarded by the search committee and will assess the relative qualifications of each potential candidate through review of potential candidate files, and any assessments provided by the search committee and the search consultant.

16. At its discretion, the board will invite those potential candidates it deems to have the necessary leadership characteristics for personal interviews with the full board. Individuals who are invited to participate in interviews with the board as potential candidates will be advised that participation may require the public disclosure of the candidate’s identity and resume in accordance with Arizona public records laws.
17. Prior to making its selection, the board may invite one or more candidates to campus for meetings with various campus constituencies.

18. The board will vote in a public meeting to appoint a new president and enter into employment contract negotiations with the selected candidate.
EXECUTIVE SUMMARY

Item Name: Report on the Health Affairs Committee Meetings

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☒ Information or Discussion Item

Issue: Regent Ridenour will report on the August 5 and August 12, 2016 Health Affairs Committee meetings.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Committee Report

Background/History of Previous Board Action

- As a result of stakeholder concerns regarding the University of Arizona Colleges of Medicine (COMs), the Arizona Board of Regents has held two special board meetings and two ABOR Health Affairs Committee meetings to conduct in-depth reviews of the COMs to inform development of a plan to address those concerns.
  - On June 22, 2016, the board held a special meeting to receive an update and discuss the UA colleges of medicine. As part of continuing the review, the Health Affairs Committee scheduled meetings in Phoenix and Tucson.
  - On August 5, 2016, the Health Affairs Committee held a meeting at the Phoenix Biomedical Campus intended to have in-depth review of COM-Phoenix, including its mission and operations, leadership plan, accreditation update, and provide a forum for receiving public input.

Contact Information:
Lorenzo Martinez 602-229-2525 lorenzo.martinez@azregents.edu
EXECUTIVE SUMMARY

- On August 12, 2016, the Health Affairs Committee held a meeting in Tucson intended to have an in-depth review of the College of Medicine-Tucson and UA Health Sciences, an update on the Banner affiliation agreement, and provide a forum for public input.

- On August 19, 2016, the board held a special meeting and directed the engagement of an outside expert to compile information and review and evaluate the concerns raised pertaining to the UA colleges of medicine and submit a report to the board's general counsel and the board.

Discussion

- The board is committed to ensuring the quality of the UA colleges of medicine in order to provide positive outcomes for the students and the state.

- The board is also committed to ensuring the public is aware of the plans and progress at the colleges of medicine.

- The meetings included discussions on plans and timelines for filling key leadership vacancies; the organizational, reporting and decision making structure of the Colleges of Medicine in Phoenix and Tucson; the colleges’ financial operations; and an update on the Banner Health affiliation agreement.

- The agenda items from the meetings are listed at the end of this document. Some of the key information from the meetings included:

University of Arizona Colleges of Medicine

- Clarification on UA control regarding decisions related to the medical schools including budget, curriculum, medical student clinical rotations, and research expenditures. It is important to note that the Academic Management Council (AMC) created as a result of the Academic Affiliation Agreement with Banner will approve new and renewed clinical and academic affiliations with a hospital or other healthcare provider.

- Anticipated timeline for the next steps on the LCME accreditation process for the College of Medicine- Phoenix includes: submission of materials to LCME in November 2016; site visit February 26- March 1, 2017; LCME response expected June 2017.
EXECUTIVE SUMMARY

- Timeline and plan for filling key leadership vacancies at COM-Phoenix extends through spring 2017.

- The UA is engaging a third-party to receive feedback from departed COM-Phoenix leadership and to conduct a climate survey of current employees.

- Based on the UA implementation of Responsibility Centered Management, the budgets of the colleges of medicine begin with base funding and proposals to be funded by new funds generated by each the college and allocated from the Banner agreement are developed by the divisions, departments and centers of the COM and submitted to UA Health Sciences for discussion and approval.

**Banner Academic Affiliation Agreement**

- The board has approved a 30-year Academic Affiliation Agreement between the UA and Banner in which Banner is the exclusive Healthcare Academic Partner of the UA Health Sciences, and UA is the exclusive Academic Medical Partner of Banner. Existing affiliations with other healthcare providers in Arizona are continued for both Banner and the UA.

- The Academic Management Council (AMC) was created in the agreement to operationalize the relationship, including authority to approve new, or the renewal of, clinical or academic affiliations.

- The AMC membership consists of 4 members appointed by the UA and 3 members by Banner, with block voting, meaning the UA group has 1 vote and the Banner group has 1 vote. In certain instances of extended deadlock, Banner may appoint 2 additional members and decisions will be made by simple majority.

- Banner commits to spending $500 million on capital projects in Tucson to support the clinical enterprise. Banner also commits to maintaining Banner-University Medical Center Tucson to support COM-Tucson, and maintaining Banner-University medical Center Phoenix to support COM-Phoenix.
EXECUTIVE SUMMARY

- Banner funds commitment to the UA:
  
  i. $20 million annual payment from the $300 million Academic Enhancement Fund. This payment is guaranteed for the 30-year term of the affiliation agreement and use of the payment is controlled by the UA Health Sciences.

  ii. $131.3 million for core services funding of which $16.5 million dedicated for UA COM department chairs, protected non-clinical time of faculty physicians, and academic program costs. An additional $20 million in incremental funding will be provided to support clinical faculty practice enterprise. The core services funding is guaranteed for the first 15 years with a renegotiation to occur for the second 15 years.

  iii. The greater of $6 million or 0.4% of the combined Banner-University Medical Division net operating revenue. The payment is guaranteed for the first 15 years with a renegotiation to occur for the second 15 years.

  iv. Annual supplemental academic support payment equal to one-half of combined operating margin of Banner-University Medical Division provided the margin exceeds 5%. The payment is guaranteed for the first 15 years with a renegotiation to occur for the second 15 years.

Next Steps

- The meetings of the Health Affairs Committee provided insightful information on the operation and management of the colleges of medicine, as well as the affiliation agreement with Banner; however, in order to fully address the concerns raised by stakeholders, the board has directed the engagement of an outside expert to compile information and review and evaluate the concerns, with a report to be submitted to the board when the evaluation is complete.

Requested Action

This item is provided for information only.
1. Review and Update on the Mission and Leadership of the College of Medicine-Phoenix

2. College of Medicine-Phoenix Operational Review and Update

3. Impact of the College of Medicine-Phoenix

4. Arizona Medical Association Presentation

5. Accreditation Update on the College of Medicine - Phoenix

6. Call to the Audience

1. Update on College of Medicine-Tucson

2. Implementation of the Banner Health Affiliation Agreement

3. Discussion and Question Session

4. Call to the Audience
EXECUTIVE SUMMARY

Item Name: Northern Arizona University’s FY 2016-2017 Operational and Financial Review (NAU)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: Northern Arizona University and the board office ask the board to accept their Fiscal Year 2016-2017 operational and financial review composed of the background report, written business plan and public presentation and strategic discussion.

Enterprise or University Strategic Plan
☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

A.R.S. §15-1626(A) General Administrative powers and duties of board

Background

As part of its constitutional responsibility to ensure that Arizona’s public universities accomplish their public purpose and mission, the Arizona Board of Regents conducts an annual comprehensive review of the operations and finances of each university. This review emphasizes NAU’s:

- differentiated mission, purpose and identity;
- strategic initiatives;

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EXECUTIVE SUMMARY

- current performance levels of the organization;
- emerging threats and opportunities;
- current and future university priorities;
- strengths and weaknesses relative to higher education peers and competitors;
- financial model and resource allocation necessary to support the mission and initiatives;
- key partnerships, relationships and alliances; and,
- anticipated responses to contingencies or environmental changes.

The OFR allows the regents to understand the details and progress of each university’s academic, business, and strategic initiatives against the goals assigned in the ABOR strategic plan, as well as the personnel and financial resources that will be committed.

The review also highlights for the board the strategic and material decisions or policy changes required by the board as part of the plan. The process is also intended to enhance transparency in university planning and performance.

The board will draw on the information provided throughout the course of the year as it makes decisions regarding the university (e.g., tuition, capital projects, partnerships, academic programs, etc.)

Once accepted by the board, the university plans will be used to facilitate university operating decisions internally.

Discussion

NAU’s review is composed of three components:

1) background report (found here)
2) written business plan (found here); and,
3) public presentation and strategic discussion with the board.

Each of the components is briefly described below.

NAU Background Report

The background report is designed to provide the regents with an overview of each university’s progress in key areas of responsibility from the prior year relative to the ABOR metrics and university projections. The report includes short narratives, several schedules populated by data obtained from the board’s business intelligence database, the financial aid report, other financial data, additional board annual reports and university provided financial projections.
NAU’s Written Business Plan

In addition to the background report, each university is asked to submit a written business plan. The plan:

- contains an overview of the university’s operations and financial strategies
- explains what the university intends to achieve, recognizing the current competitive conditions and environment;
- details the major initiatives that will be deployed;
- identifies the personnel and financial resource commitment it will take to achieve those initiatives;
- identifies the key opportunities available to the university and its academic, research and operating platform; and
- addresses what risk factors exist that could prevent the university from achieving its initiatives/goals and the actions needed to mitigate.

Public Presentation and Strategic Discussion

As part of the review process, each university president (and, at the president’s discretion, key members of the university leadership team) will have the opportunity to make a presentation and engage in a strategic discussion with the board.

The presentation and discussion is expected to focus on those areas of greatest importance and urgency to NAU and cover the strategies and initiatives that will be pursued in the coming year.

Requested Action

Northern Arizona University and the board office ask the board to accept their Fiscal Year 2016-2017 operational and financial review composed of the background report, written business plan and public presentation and strategic discussion.
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☐ Action Item
☐ Committee Recommendation to Full Board
☒ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office asks the board to review on first reading proposed revisions to ABOR Policies 3-411 “Annual Report on Debt Capacity,” 3-501 “Board Action Required,” and 7-102 “Overview of the Capital Development Process and Phases” to implement new statutory authority to use commercial paper and lines of credit.

Enterprise or University Strategic Plan
☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Board Policy Revision

Statutory/Policy Requirements

- Recent changes to ARS § 15-1626, 15-1682, 15-1683 and 15-1696 authorize ABOR to issue commercial paper and obtain lines of credit.

- Board policies 3-411, 3-501 and 7-102 currently govern reporting and the issuance process for university debt.

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EXECUTIVE SUMMARY

Background/History of Previous Board Action

- The State Legislature passed, and the Governor signed House Bill 2271 (Laws 2016, Chapter 238) which authorizes ABOR to issue commercial paper as short-term financing for capital projects, and obtain lines of credit for cash management or liquidity purposes.

- The board has pursued authority to issue commercial paper over the last 3 legislative sessions and voted to support HB 2271 during this legislative session.

Discussion

- The availability of commercial paper provides flexibility and the ability to align capital project funding on an as needed basis. Given that major capital projects require more than one year to complete, the use of commercial paper can generate short-term financing savings as compared to borrowing full project costs and paying interest on funding balances that are not needed in the early stages of project construction.

- While the universities do not anticipate any immediate need to access lines of credit, the availability provides a contingency should the universities ever need to address unanticipated significant negative financial circumstances, such as rollovers.

- Proposed policy changes incorporate the process for the use of commercial paper and lines of credit into the existing debt policy framework. Specifically, the policy changes include the following:
  
  **Policy 3-411**
  - Requires that Commercial Paper and Lines of Credit debt information be included in the annual debt report.

  **Policy 3-501**
  - Establishes that debt issuances require board action as outlined in the appropriate policy section.
  - Eliminates the requirement that agents used for debt issuance be approved as this is standard information included in materials submitted in requests for financing approval.
  - Directs the universities and board office to develop guidelines on lines of credit. Guidelines will be developed and submitted for action when policy revisions are submitted for second reading.

  **Policy 7-102_D**
  - Clarifies universities can issue commercial paper for capital projects without board action provided the fiscal management plan submitted in the project approval materials outlines the planned use of commercial paper.
EXECUTIVE SUMMARY

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

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3-411 Annual Report on Debt Capacity

A. Prior to the Board’s meeting in September, each university shall provide the Board with an annual report on its debt capacity. The annual report on debt capacity will be submitted with the annual capital improvement plan (see Chapter VII).

B. In addition to information related to direct debt issued by each university and used to calculate the debt ratio, the report on debt capacity shall also include information on capital leases, third-party financing, component unit debt, COMMERCIAL PAPER, LINES OF CREDIT, and any other capital related debt.

E. BONDS DEBT AND FINANCING INSTRUMENTS

3-501 Board Action Required ISSUANCE OF DEBT AND FINANCING

Matters relating to revenue bonds, including issuance, sale, appointment of bond counsel, appointment of financial consultant, appointment of trustee, and all other incidents connected with revenue bonds shall be presented for Board action.

A. MATTERS RELATING TO THE ISSUANCE AND SALE OF DEBT SHALL BE PRESENTED FOR BOARD ACTION AS OUTLINED IN BOARD POLICY.

B. THE UNIVERSITIES SHALL WORK WITH THE ABOR OFFICE TO DEVELOP GUIDELINES RELATED TO THE USE OF LINES OF CREDIT FOR CASH MANAGEMENT OR LIQUIDITY PURPOSES.

7-102 Overview of the Capital Development Process and Phases

A. Description:

1. The capital development process is divided into SIX phases: Master Plan, Capital Improvement Plan, Capital Development Plan Approval, Project Approval, Project Construction, and Project Closeout.

2. During the Master Planning Phase, the BUSINESS AND Capital and Project Finance Committee and the Board focus on the relationship between the university’s mission statement, strategic plan, and campus physical development plans.

3. During the Capital Improvement Plan (CIP) phase, the BUSINESS AND Capital and Project Finance Committee and the Board focus on the existing condition, utilization and expenditure of capital resources at each
of the universities. The CIP includes a report on the university’s land and leasing activities building renewal needs, and deferred maintenance activities. In each report, the universities identify proposed capital projects for the coming fiscal year and forecast capital projects that may begin in the subsequent two fiscal years.

4. During the Capital Development Plan Approval phase the BUSINESS AND Capital and Project-Finance Committee and the Board focus on the strategic planning perspective for proposed capital projects for the coming fiscal year. The university identifies potential capital projects that contribute to the attainment of the university mission statement and strategic plan, justify the project need, and defines elements of the scope, schedule and budget. Capital Development Plan Approval allows the university to proceed to the Project Approval phase.

5. During the Project Approval phase the university completes the design and prepares construction documents. The Project Approval document serves as notification that the project is ready to advertise for bids, or acceptance of the final guaranteed maximum price, and enter the Project Construction phase.

6. During the Project Construction phase the university awards contracts, and constructs the project in accordance with ABOR Policy 3-804, (Professional Services and Construction Services Procurement).

7. During the Project Closeout phase the university obtains substantial completion, completes building commission, final inspection, accepts and occupies the facility, and provides final payment to the consultants and contractors. The university performs a review and formal evaluation of the consultants’ and contractors’ performances.

B. Projects that Require Approval

1. All capital projects with an estimated total project cost of $5,000,000 or more for renovation or infrastructure projects, or $10,000,000 or more for new construction or information technology projects shall be brought to the BUSINESS AND Capital and Project Finance Committee for approval regardless of funding source or financing structure. Non-information technology projects requiring approval shall be submitted for Capital Development Plan Approval.

2. Projects that originally were not required to enter the capital development process, but subsequently are forecasted to exceed the dollar thresholds as described above, must be submitted for BUSINESS AND Capital and Project Finance Committee approval.
3. Capital projects where the Board and the university share with other entities (Federal, State, local, development groups, public/private ventures, etc.) the control, financing, or ownership (current or future) of the project and/or its delivery process and that are subject to review under Board policy 7-207, shall be included in the Capital Development Plan and reviewed by the BUSINESS AND Capital and Project Finance Committee and approved by the Board. The university shall seek guidance from the System Office to document the proposed process for Board consideration. That process, at a minimum must include the following information, which may be provided in a single report or in a series of reports as details of the project are developed:

a. Notice to the BUSINESS AND Capital and Project Finance Committee of intent to pursue development of an eligible project, including proposed project scope and justification, as well as the process for providing a reasonable opportunity for competition.

b. Notice to the BUSINESS AND Capital and Project Finance Committee on development of negotiating parameters after the other entities have been identified or selected.

c. Submission for BUSINESS AND Capital and Project Finance Committee and Board consideration:

   (1) Identification of significant changes since capital development plan approval;
   (2) Proposed project schedule;
   (3) Project delivery method and process; as well as project construction, maintenance and operational standards;
   (4) Fiscal impact and financing plans, and other related information that includes, but is not limited to, funding sources, debt payments, and estimated operation and maintenance costs, including quality control measures that will protect university interests in the areas of project financing;
   (5) Project budget estimates and process used for developing estimates, including the use of qualified professionals;
   (6) Outline of other entities involved (if applicable) including the equity position of other entities, anticipated returns to other entities, and/or contributions of other entities;
   (7) Lease terms, including any ownership transition or purchase options, and
   (8) Description of other related projects including related infrastructure improvements.

d. Project updates in the quarterly capital project status report.
C. Related Projects

1. The universities are responsible for defining the parameters (size, cost and discrete elements) of capital projects with the following provisions:
   
a. The parameters of a project shall not be defined with the objective to bypass or minimize the requirements set forth in Board policy.

b. The overall plans and costs for related and/or phased projects should be documented for consideration by the BUSINESS AND Capital and Project Finance Committee.

2. If the Board grants Capital Development Plan Approval for a group of related projects, Project Approval is necessary for any phase that exceeds the approval threshold for capital projects. Projects within a project group shall share common attributes, such as location, project type, etc. Projects with no common attributes may not be bundled into one project group.

D. Description of Project Financing:

1. Universities must designate funding sources, including annual debt service if required to construct each project proposed in the Capital Development Plan. Notwithstanding this designation by the universities, the BUSINESS AND Capital and Project Finance Committee must review, and the Board must approve the specific issuance of bonds, lease-purchase agreements, certificates of participation, or any debt instrument regardless of total project cost.

a. UNIVERSITIES HAVE AUTHORITY TO ISSUE AND MAINTAIN A COMMERCIAL PAPER PROGRAM FOR CAPITAL FINANCING PROVIDED THE USE OF COMMERCIAL PAPER IS IDENTIFIED IN THE PROJECT FISCAL MANAGEMENT PLAN SUBMITTED FOR BOARD APPROVAL, INCLUDING:

   i. TOTAL AMOUNT TO BE ISSUED,

   ii. ANTICIPATED AND MAXIMUM INTEREST RATES AND PRICING PARAMETERS, AND

   iii. ANTICIPATED FINAL MATURITY DATE OR FINAL RENEWAL PERIODS FOR THE COMMERCIAL PAPER.
EXECUTIVE SUMMARY

2. Request for debt issuance approval must disclose fully the estimated costs of the project and the debt issuance, information on debt capacity, outstanding debt levels, and debt service payments.

3. Any capital project funded with debt may not increase the university’s debt ratio to more than 8% for any year shown in the capital improvement plan.

4. The final maturity of any capital financing undertaken by a university will not exceed the estimated useful life of the capital asset being acquired or constructed.

5. In requesting authority for capital debt, each university shall provide written justification for the debt instrument requested that will include the assumptions made for the source of resources for the repayment of the debt, and the fiscal impact.

6. REQUEST FOR DEBT ISSUANCE MAY BE COMBINED WITH THE REQUEST FOR PROJECT APPROVAL.

7. If projects require specific Legislative review:
   a. The projects may be presented to the Legislature, or its designated committee, for review after receiving Capital Development Plan approval. However, projects shall have legislative review prior to construction.
   b. Both the request for Legislative review and the request to the Board for bond issuance shall display full disclosure of the estimated costs of the project, and if applicable, the bond issuance.
   c. Use of bond authority for a project in excess of the amount initially approved by the Board and review by the Legislature will require Board approval prior to seeking review from the Legislature.

E. Total Project Cost Estimating:

1. The *Regent's Construction Cost Control and Professional Fee Guidelines* (Guidelines) shall be considered in developing cost estimates and calculating building replacement values. In addition, other industry cost guidelines or internal historical data may be used, including inflation factors to ensure the reasonableness of the cost estimates.

2. The Guidelines are published separately and contain fee schedules for architects/engineers, construction managers and contingencies; inflation
3. The Guidelines shall be reviewed and updated by an outside cost estimating consultant. Revisions shall be initiated by the System Office and universities, and approved by the President of the Board.

F. Public Art for Major Capital Projects

1. Funds to provide public art may be budgeted for any major building to be constructed or renovated. Major buildings are those with total project costs of $1,000,000 or greater.

2. Funds will be for the purpose of placing, maintaining, repairing, removing or inventorying works of art (murals, frescoes, sculptures, fountains, mosaics, etc.) in or around university facilities.

3. The funded amount for public art shall not exceed one-half of one percent (0.5%) of the construction cost for any major building.

G. Building Design for persons with Disabilities: All new buildings and structures constructed or renovated at each institution shall comply with the provisions of The Arizonans with Disabilities Act of 1992, A.R.S. §41-1492 et seq. and any amendment thereof relating to making public buildings accessible and functional for the disabled.

H. Plaques For Buildings: Plaques installed on new buildings at each institution shall carry the names of the Governor and other Members of the Board in office at the time the construction contract was awarded, together with the President of the institution, the architect, the contractor, and other participants deemed appropriate.

I. Forms referenced in Chapter VII: Under the direction of the President of the Board, the System Office and the universities have the responsibility to update and improve the various reports referenced in Board policy with the objective of presenting information to the BUSINESS AND Capital and Project Finance Committee and the Board in an effective format and manner.
Item Name:  Amendment to Parking License Agreement to Acquire Additional Spaces from the City of Phoenix in the PBC Garage

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue:  The University of Arizona (UA) asks the board to approve an amendment to the Parking License Agreement between UA and Boyer Phoenix Parking, LLC ("Boyer"), to allow the City of Phoenix to transfer 268 spaces that are currently licensed by the City from Boyer to the UA.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☒ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

- N/A

Background/History of Previous Board Action

- The board approved the key terms of the Parking License Agreement in June 2014, pursuant to which the UA licensed 150 parking spaces in the PBC Garage for a period of 20 years, with two 5-year options to extend.

- The City of Phoenix licensed a total of 584 spaces in the PBC Garage from Boyer for a period of 25 years, with two 5-year options to extend.

Contact Information:
Gregg Goldman, Senior VP for Business Affairs and CFO, ggoldman@email.arizona.edu, 520-621-5977
EXECUTIVE SUMMARY

- This amendment will increase the number of spaces licensed by the UA from Boyer from 150 to 418, and reduce the City’s spaces from 584 to 316.

- The amendment will extend the term of the UA License to 25 years from the Effective Date, for the 268 spaces being transferred by the City of Phoenix.

Discussion

- The UA has already issued permits for the 150 spaces it currently licenses from Boyer in the PBC Garage.

- The UA is committed to continuing growth at the PBC, including the completion of the BSPB building, the addition of programs within existing facilities, and the construction of additional facilities over the next 5 – 10 years.

- The additional spaces to be transferred by the City of Phoenix will ensure that UA has adequate parking to accommodate its employees and students as these new facilities and programs are added.

- The UA will be required to pay the monthly License Fee, as set forth in the License Agreement, for the additional spaces it acquires as a result of this transfer. The sale of additional permits to UA students and employees will offset these costs, and it is anticipated that within 3 – 5 years, permits will be issued to UA users for all of the parking spaces licensed by the UA.

- The UA will receive validation credits for up to 30 unsold permits per month (it currently receives no credits, because all permits are sold), thereby offsetting visitor parking costs that are currently being covered by the UA. Any additional costs will be covered by UA Parking & Transportation Services.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

The University of Arizona asks the board to authorize the UA President or the UA Senior VP for Business Affairs and Chief Financial Officer to execute, in the name of the board, an amendment to the Parking License Agreement and any and all documents necessary to amend the Parking License Agreement to transfer 268 spaces from the City of Phoenix to the UA, in accordance with the terms and conditions outlined above.
Item Name: Acquisition of Property from the University of Arizona Foundation (UA)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The University of Arizona (UA) asks the board to approve the purchase of the real property located at 714 E. Van Buren Street in Phoenix, Arizona, from the University of Arizona Foundation.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☒ Advance Educational Attainment within Arizona
☒ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

- ABOR Policy 7-203 requires board approval of purchases of real property over $500,000.

- ABOR Policy 7-203 requires that a request for authorization to purchase real property include a legal description of the real property.

- ABOR Policy 7-206 requires two appraisals for the purchase of real property with an anticipated sale price over $1,000,000. All appraisals shall be independent, unilaterally requested and paid for the University.

Contact Information:
Gregg Goldman, Senior Vice President for Business Affairs and Chief Financial Officer
(520) 621-5977, ggoldman@email.arizona.edu
Background

- The University of Arizona’s Phoenix Biomedical Campus (PBC) is home to the UA College of Medicine-Phoenix, and expanding programs of the UA College of Nursing, UA College of Pharmacy, and other UA academic and research programs. Within the PBC, the UA has renovated three historic Phoenix Union High School buildings, and constructed the Health Sciences Education Building, the ABC 1 Research Building, and the UA Cancer Center facility. The 10-story Biosciences Partnership Building is currently under construction and will provide research and office space for biomedical programs.

- The PBC is in a prime location in downtown Phoenix, surrounded by a number of high-value academic, cultural, retail, civic and commercial amenities. This campus location has good transit and freeway access, and has been master planned collaboratively by the UA and the City of Phoenix to accommodate future growth.

- The 714 E. Van Buren St. property is adjacent to the PBC with frontage on both 7th Street and Van Buren Street. The 2.62 acre site features a 33,000 square foot office building, along with surface parking lots that currently serve the PBC campus.

- The property was purchased by the UA Foundation in December, 2009. The property is currently leased by the UA from the Foundation and is used by the UA for office space and parking near the PBC. Given expected growth of the campus and related activities at the PBC, the University wishes to purchase the property for its more intensive use and development in support of the University’s enhanced educational and research mission and presence in downtown Phoenix.

Discussion

- The UA Foundation is willing to sell the property to the University for $8,550,000. The property is 114,149 SF (2.62 acres). The selling price reflects an increasing demand for developable land in proximity to the PBC and the continued growth that is anticipated to occur in downtown Phoenix.

- In accordance with board policy, two appraisals have been obtained for the property, and the UA Foundation agreed to the purchase price based upon the higher of the two appraisals, which is substantially less than the amount paid for the property by the UA Foundation in 2009.

- The purchase of the property will be paid from available local funds.
Exhibits

- Exhibit A – Legal Description
- Exhibit B – Location Map
- Exhibit C – Site Map

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

The University of Arizona asks the board to approve the purchase of the real property located at 714 E. Van Buren Street in Phoenix, Arizona, from the University of Arizona Foundation, as presented in this Executive Summary.
EXHIBIT A
Legal Description

PARCEL 1:
Lot 1, "Phoenix Biotechnology Accelerator", according to Book 763 of Maps, Page 3, records of Maricopa County, Arizona.

PARCEL 2:
The East 35 feet of Lot 19 and Lots 23 through 27, inclusive, MONTE VISTA PLACE, according to Book 3 of Maps, Page 14, records of Maricopa County, Arizona.

PARCEL 3:
The North half of that certain alleyway abandoned by Case No. V-98015A and recorded in Document No. 2004-0596732, lying South of and adjacent to the East 35 feet of Lot 19 and Lots 23 through 27, inclusive, MONTE VISTA PLACE, according to Book 3 of Maps, Page 14, records of Maricopa County, Arizona.

Lot 21, of MONTE VISTA PLACE (an addition to the City of Phoenix), according to the Plat of Record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 3 of Maps, Page 14.
Together with the North 9 feet of that abandoned 18 foot wide east-west alley shown on and previously dedicated by the Plat of MONTE VISTA PLACE, according to the Plat of Record in the office of the County Recorder of Maricopa County, Arizona in Book 3 of Maps, Page 14, that lies between the East line of Lot 22 and the West line of Lot 20.

Lot 22, MONTE VISTA PLACE, according to Book 3 of Maps, Page 14, records of Maricopa County, Arizona;
Together with that portion of the North half of that certain alleyway abandoned by Case No. V-98015A and recorded in Document No. 2004-0596732, lying South of and adjacent to said Lot 22.

Maricopa County Assessors Parcels:

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EXHIBIT B
Location Map
EXHIBIT C
Site Map
EXECUTIVE SUMMARY

Item Name: Purchase of Real Property from OneAZ Credit Union (NAU)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: Northern Arizona University (NAU) asks the board to approve the purchase of real property located contiguous to the campus on the north side from OneAZ Credit Union for $1,850,000.

Previous Board Action
None

Enterprise or University Strategic Plan
- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements

- ABOR Policy 7-203 requires board approval of purchases of real property over $500,000.

- ABOR Policy 7-203 requires that a request for authorization to purchase real property include a legal description of the real property.

- ABOR Policy 7-206 requires two appraisals for the purchase of real property with an anticipated sale price over $1,000,000. All appraisals shall be independent, unilaterally requested and paid for by the University.

Project Justification/Description/Scope

Background:
- The University has experienced record enrollment over the last several years, and continues to have strong enrollment projections, as identified in the ABOR

Contact Information:
Jennus Burton, Vice President for Finance & Administration, (928) 523-8871, jennus.burton@nau.edu
EXECUTIVE SUMMARY

2025 Goals. Additional space on the Flagstaff campus will be needed to facilitate the accomplishment of these goals. The OneAZ Credit Union property that is adjacent to the University campus on the north side has become available for purchase. The purchase of this property is an opportunity for the University to strategically expand its footprint by acquiring a contiguous property the University can utilize for future needs.

- The University requests Board approval to purchase this parcel for future development purposes, and will land bank the building and land until development plans can be developed to support the University mission needs.

- The Credit Union would like to stay in the existing building until they build their new city location. The University is willing to lease back up to 3,000 sq. ft. of the building space. The building had approximately 8,100 net sq. ft. available.

- NAU would move administrative staff into the remaining space of 5,100 sq. ft. after closing on the property sale.

- The building would be used as-is until new development could occur.

- The University would pay cash for the property from NAU reserves. Consequently, there would be no debt.

- Attachment A is the legal description of the real property. Attachment B is a site plan showing the property in relation to the NAU campus.

- In accordance with Board policy, two appraisals have been obtained for the OneAZ Credit Union property, and the proposed purchase price is between the two appraised values.

Summary of Business Terms of the Purchase

- The University would pay cash of $1,850,000 for the property.

- The University has acquired two independent appraisals and this price is between the two appraisals.

- The Credit Union would occupy up to 3,000 sq. ft. on a temporary basis.

- The Credit Union would be given a 5-year lease for their 3,000 sq. ft., at $12 per square foot per annum. In addition, the Credit Union would pay a pro-rata share
of utilities during their lease.

- The Credit Union may cancel the lease at any time during the 5 years if their new space is constructed before the end of the lease term.

**Requested Action**
Northern Arizona University asks the board to approve its request to purchase real property from OneAZ Credit Union located on the north edge of campus and contiguous to campus. NAU further requests authorization that the President, the Vice President for Finance and Administration, or any successor titles to such positions, are each separately authorized in the name and on behalf of the board, to take all appropriate actions to execute the purchase documents.
ATTACHMENT A – LEGAL DESCRIPTION

Lots 13-23, Block 138, of NORMAL SCHOOL ADDITION to the City of Flagstaff, according to the plat of record in the office of the County Recorder of Coconino County, Arizona, recorded in Book 1 of Maps, Page 28.

EXCEPT that portion of Lots 18 through 23 of said Block 138, and more particularly described as follows:

Commencing at the Northeast corner of said Lot 23, also being the True Point of Beginning; thence South 21 degrees 06 minutes 41 seconds West (c) to the Southeast corner of said Lot 17 (basis of bearings is the center line of the existing Butler Avenue right-of-way [South 40 degrees 45 minutes 08 seconds East] between Agassiz Street and O’Leary Street as shown on the Clay Avenue-Butler Avenue Realignment Map of Dedication dated November 21 1985 – Case 4, Map 95, Office of Coconino County Recorder); thence North 19 degrees 24 minutes 27 seconds East (c) a distance of 64.61 feet (c); thence North 21 degrees 06 minutes 41 seconds East (c) a distance of 46.52 feet (c); thence North 23 degrees 52 minutes 20 seconds West (c) a distance of 35.57 feet (c); thence North 68 degrees 51 minutes 21 seconds West (c) parallel to the South line of Lot 23, a distance of 97.63 feet (c) to a point on the Westerly line of said Lot 23; thence North 21 degrees 08 minutes 39 seconds East (c) along said West line of Lot 23 a distance of 15.00 feet (c) to the Northwest corner of said Lot 23; thence South 68 degrees 51 minutes 21 seconds East (c) along the Northerly line of said Lot 23, a distance of 134.62 feet (c) to the True Point of Beginning.
EXECUTIVE SUMMARY

ATTACHMENT B – SITE PLAN/LOCATION
EXECUTIVE SUMMARY

Item Name: FY 2016 Technology and Research Initiative Fund Annual Report

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office and the universities ask the board to approve the FY 2016 Technology and Research Initiative Fund (TRIF) Annual Report.

Enterprise or University Strategic Plan
☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements
A.R.S. §1648 establishes the Technology and Research Initiative Fund (TRIF) to receive Proposition 301 state sales tax revenue and gives the Arizona Board of Regents the authority to administer the funds.

ABOR Policy 3-412 “Administration of Technology and Research Initiative Fund” governs use of TRIF funds.

Background/History of Previous Board Action
The FY 2016 TRIF Annual Report presented for board approval is a brief summary of the prior year’s TRIF activity and actual expenditures. Performance measures for each initiative contained in the report were approved by the board as part of the 5-year budget related project plans. The Annual Report also reports the statutorily required TRIF funding for debt service.

Contact Information:
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Under Arizona law and ABOR policy, Arizona’s public universities are to use TRIF funds:

- For research development, and technology transfer related to the knowledge-based economy;
- To expand access to baccalaureate or post-baccalaureate education for time-bound and place-bound students;
- To implement final recommendations from the Governor’s Task Force on Higher Education and/or the Arizona Partnership for the New Economy; and
- To develop programs that will prepare students to contribute in high technology industries located in Arizona.

The vast majority of TRIF funds are allocated to the universities for specific projects on a five-year budget cycle. The current 5-year cycle ends in FY 2016. University TRIF projects are focused in five themed areas:

1. Improving Health
2. Water, Environment and Energy
3. Space Exploration and Optical Science
4. National Security Systems

**Discussion**

**Return on Investment**

- The TRIF report highlights various expenditure outcomes including the financial impact of the state’s TRIF investment, technology transfer activity and workforce contributions. In FY 2016, Arizona public universities received approximately $69 million in TRIF revenue. The chart below highlights the return on investment for the state for those revenues.

<table>
<thead>
<tr>
<th>2016 FINANCIAL IMPACT OF TRIF INVESTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsored Awards (from outside sources, including federal and industry sponsored)</td>
</tr>
<tr>
<td>Gifts &amp; Other Sources</td>
</tr>
<tr>
<td>Royalty Income</td>
</tr>
</tbody>
</table>

**TECHNOLOGY TRANSFER ACTIVITY**

| Invention Disclosures Transacted | 279 |
| US Patents Issued | 58 |
| Licenses and Options Executed | 37 |
| Startup Companies | 12 |

**WORKFORCE CONTRIBUTION**

| Postdoctoral Appointees | 475 |
| Graduate Students | 1,613 |
| Undergraduate Students | 1,235 |
TRIF Research Expenditures

- In addition to the financial return on investment, TRIF funds support research initiatives that target important economic sectors, including aerospace and defense, semiconductors, optics, bioscience and renewable energy, water supply and use, which are critical for Arizona. These initiatives support the board’s goal of strengthening Arizona’s economy by facilitating the creation of technology development and transfer that is valuable to a knowledge-based global economy.

- Examples of TRIF supported research, from this year’s report
  - Developing a rapid paper-based diagnostic that will detect the presence of Zika
  - Designing a new generation of blood-based diagnostic tests for breast cancer
  - Building a simulation tool for large-scale training exercises for the U.S. Army
  - Partnering with industry and developing a tested for water purification to address pressing problems such as lead in drinking water
  - Investigate changes in the Arctic and their impacts on ecosystems
  - Develop energy-harvesting technologies for monitoring marine mammals, focusing on elephant seals.
  - Develop a rapid, one-hour test that will precisely identify a family of antibiotic-resistant staph infections broadly referred to as MRSA
  - Develop a new method to prevent asthma in young children-using pathogens from ordinary house dust
  - Identify biomarkers and create optical imaging tools that enable the first effective screening system for ovarian cancer
  - Design an “intelligent building envelope” in which artificial intelligence and new materials are integrated into a building to allow automatic prediction and response to internal and external environmental changes, reducing water and energy consumption
This graph shows where TRIF dollars were invested into research and student outreach.

TRIF Regent Innovation Fund Expenditures

- The annual TRIF Report also reports information on Regent Innovation Fund (RIF) projects’ activities during the prior year. Each year the Regents review the project proposals and allocate approximately $1 million towards RIF projects. These projects are generally tri-university in focus and further expand the research capabilities at each of the universities.

- In June 2016, the board approved a total of $1 million for three RIF projects. Support for the “Live Data: Digital Research Infrastructure” project continues for the third year, joined by two new projects: Arizona Tri-University Transportation Research center Pilot Research Portfolio, and Exploiting Nanomaterials for End-to-End Cybersecurity Solutions.
EXECUTIVE SUMMARY

- The full report can be found here.

Requested Action
The board office asks the board to approve the FY 2016 Technology and Research Initiative Fund (TRIF) Annual Report, for submission to the Governor and the Legislature, as presented in this Executive Summary.
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Item Name: Proposed New ABOR Policy 8-208 “Fees for Services” Regarding the Arizona State Museum (First Reading)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The board office asks the board to review on first reading the proposed new ABOR Policy 8-208 “Fees for Services” regarding the Arizona State Museum.

Enterprise or University Strategic Plan
- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirement
Senate Bill 1418 from the 2016 legislative session mandated ABOR approve fees for certain services performed by the Arizona State Museum. The legislation amended A.R.S. § 15-1631 and A.R.S. § 41-1013.

Background
The Arizona State Museum is operated by the University of Arizona and is subject to Chapter 8 of ABOR Policy “Arizona State Museum”.

During the 2016 legislative session, the legislature passed Senate Bill 1418 that requires the board to approve certain fee setting for the Museum. The legislation specifically addressed fees charged by the Museum for services authorized under Title 41, Chapter 4.1 Article 4, and A.R.S. § 41-865, regarding archaeological and vertebrate paleontological discoveries, permits to explore, and services for working with human remains or funerary objects.

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EXECUTIVE SUMMARY

The bill was signed into law by Governor Ducey on May 11, 2016.

The proposed new ABOR Policy 8-208 will bring ABOR policy into compliance with the corresponding changes to state law.

SB 1418 also requires ABOR to submit a report to the Governor, Senate President and Speaker of the House of Representatives no later than August 6, 2017 summarizing the progress achieved regarding the implementation of the new legislative requirements.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for first reading.

Requested Action

The board office asks the board to review on first reading the proposed new ABOR Policy 8-208 “Fees for Service” regarding the Arizona State Museum.
A. THE BOARD IS RESPONSIBLE FOR ADOPTING FEES FOR SERVICES PERFORMED BY THE MUSEUM PURSUANT TO A.R.S. TITLE 41, CHAPTER 4.1, ARTICLE 4 AND § 41-865.

B. THE DIRECTOR SHALL PROVIDE NOTICE OF INTENT TO INCREASE FEES FOR SERVICES ON THE MUSEUM WEBSITE BEFORE JANUARY 1 OF THE CALENDAR YEAR THE PROPOSED FEE INCREASE IS INTENDED TO BE SUBMITTED TO THE BOARD FOR APPROVAL. THE NOTICE OF INTENT MUST INCLUDE:

1. A JUSTIFICATION FOR THE FEE INCREASE, WHICH SHALL CONTAIN:
   a. THE AMOUNT OF THE PROPOSED FEE INCREASE.
   b. A LIST OF THE PERSONS WHO WILL BE DIRECTLY AFFECTED BY, BEAR THE COSTS OF OR DIRECTLY BENEFIT FROM THE PROPOSED FEE INCREASE.

2. AN ANALYSIS OF EACH OF THE FOLLOWING:
   a. THE RATIONALE FOR THE PROPOSED FEE INCREASE WITH A DESCRIPTION OF THE STATUTORY RESPONSIBILITIES THAT THE MUSEUM INTENDS TO FULFILL WITH THE PROPOSED FEE INCREASE.
   b. AN EXPLANATION OF THE SERVICES THAT THE MUSEUM WILL PROVIDE WITH THE PROPOSED FEE INCREASE TO THIS STATE, POLITICAL SUBDIVISIONS, OTHER AGENCIES AND BUSINESSES.
   c. A DESCRIPTION OF ANY EFFORTS TO AVOID FEE INCREASES OR TO REDUCE THE COSTS OR REGULATORY BURDEN, OR BOTH, TO THE BUSINESSES, PERSONS AND CONSUMERS THAT WILL BE DIRECTLY AFFECTED BY THE PROPOSED FEE INCREASE.

3. A DESCRIPTION OF THE METHODOLOGY USED TO CALCULATE THE PROPOSED FEE INCREASE AND A DETAILED EXPLANATION OF THE COSTS INCLUDED IN THE FEE METHODOLOGY.
C. THE DIRECTOR SHALL PROVIDE THE NOTICE OF INTENT TO INCREASE FEES FOR SERVICES TO THE BOARD FOR SUBMITTAL TO THE SECRETARY OF STATE FOR PUBLICATION IN THE ARIZONA ADMINISTRATIVE REGISTER PURSUANT TO A.R.S. § 41-1013.

D. THE DIRECTOR SHALL:

1. AT THE SAME TIME THE BOARD SUBMITS NOTICE OF THE PROPOSED FEE INCREASE TO THE SECRETARY OF STATE AS DESCRIBED IN ABOR POLICY 8-208C, NOTIFY BY REGULAR MAIL, FAX OR E-MAIL EACH PERSON WHO HAS MADE A TIMELY REQUEST TO THE MUSEUM FOR NOTIFICATION OF PROPOSED FEE CHANGES, PROPOSED POLICY CHANGES OR ANY OTHER PROPOSED CHANGE RELATING TO THE MUSEUM. THE DIRECTOR MAY PURGE THE LIST OF PERSONS WHO HAVE REQUESTED THESE NOTIFICATIONS ONCE PER YEAR.

2. POST THE DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES ON THE MUSEUM WEBSITE ON OR BEFORE THE SECOND MONDAY OF THE CALENDAR YEAR THE PROPOSED FEE INCREASE IS INTENDED TO BE SUBMITTED TO THE BOARD FOR APPROVAL.

3. PROVIDE OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE PROPOSAL TO INCREASE FEES FOR SERVICES FOR AT LEAST 30 DAYS AFTER THE PROPOSAL IS PUBLISHED BY THE SECRETARY OF STATE IN THE ARIZONA ADMINISTRATIVE REGISTER. PUBLIC COMMENT MAY INCLUDE WRITTEN COMMENTS, COMMENTS SUBMITTED THROUGH E-MAIL AND ORAL COMMENTS.

4. IF APPLICABLE, POST ON THE MUSEUM WEBSITE A REVISED DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES AT THE END OF THE PUBLIC COMMENT PERIOD. THE REVISED DRAFT SHALL INCLUDE A SUMMARY OF AND RESPONSE TO ANY COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD AND A SUMMARY OF THE ALTERNATIVES THAT WERE CONSIDERED AND A RATIONAL FOR WHY THOSE ALTERNATIVES WERE NOT SELECTED.
5. IF APPLICABLE, PROVIDE OPPORTUNITY FOR PUBLIC COMMENT REGARDING THE REVISED DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES FOR AT LEAST 20 DAYS AFTER THE REVISED DRAFT IS POSTED ON THE MUSEUM WEBSITE. PUBLIC COMMENT MAY INCLUDE WRITTEN COMMENTS, COMMENTS SUBMITTED THROUGH E-MAIL AND ORAL COMMENTS.


7. SUBMIT THE FINAL DRAFT OF THE PROPOSAL TO INCREASE FEES FOR SERVICES, ALONG WITH ALL OTHER INFORMATION PRESCRIBED IN ABOR POLICY 8-208 TO THE BOARD FOR CONSIDERATION OF APPROVAL.
**EXECUTIVE SUMMARY**

**Item Name:** Proposed Revisions to ABOR Policy Chapter III, Article H, University Procurement Code (First Reading)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

**Issue:** The board office asks the board to review on first reading the proposed revisions to ABOR Policy Chapter III, Article H - the University Procurement Code.

**Enterprise or University Strategic Plan**

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other: Board Policy Revision

**Statutory/Policy Requirements**

- **ARS § 41-2501, et. seq.- Arizona State Procurement Code.** ARS § 41-2501 requires the board to adopt procurement policies and procedures for the state’s universities and the board that are “substantially equivalent” to the State Procurement Code.

- **ABOR Policy 3-801, et seq.- The University Procurement Code.** ABOR Policies 3-801 through 3-810 establish the procedures that apply to university and board procurements.

- **Arizona Administrative Code (A.A.C), Title 2, Chapter 7 – Department of Administration State Procurement Office.** The state procurement process is governed by the statutes discussed above and regulations, which are codified in

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Heather Gaines, UA 520-621-3175 hgaines@email.arizona.edu
the Arizona Administrative Code, Title 2, Chapter 7 and administered by the Arizona Department of Administration.

Background/History of Previous Board Action

- The University Procurement Code was most recently substantially amended in 2006, and a further revision to ABOR Policy 3-803D.1 was approved in 2014. In order to update, clarify and more fully align the University Procurement Code with the State Procurement Code, a Tri-University committee was formed on which counsel and procurement professionals from each of the universities and the board undertook a comprehensive review of and revision to the University Procurement Code.

- The committee’s charge was to ensure that substantial changes to the State Procurement Code were reflected in the University Code; to incorporate regulatory provisions from the Arizona Administrative Code into the University code to the extent that they assist in interpretation and implementation of statutory language that has been adopted into the Code; and to streamline and enhance the Code for ease of use by the universities and the public.

- Due to the number of revisions proposed, the committee is recommending adoption of a revised University Procurement Code rather than proposing a series of individual revisions. The full text of the proposed University Procurement Code follows this summary.

Discussion

There are several revisions that are reflected in small changes throughout the Code. These will be discussed below:

- Section References: While not a substantive change, internal citations to other provisions of the Code were standardized and now refer only to the section number, rather than restating the title of the cited section with each citation.

- “University”: The universities and the Arizona Board of Regents are defined in section 3-801A, and are referred to individually and collectively throughout the Code as “University,” except in those instances in which they are intentionally treated separately (i.e. when approval of the Board is required). This eliminates numerous references throughout the Code to “a University or the Board” or “the Board or any of the institutions under its jurisdiction.”
Chief Procurement Officer: The University Procurement Code now defines and distinguishes the role of the Chief Procurement Officer (“CPO”) for each University, who is designated by the President. The CPO has certain authority delegated directly by the Code, and may further delegate authority to Procurement Officers, as specifically authorized by each University’s President. The authority and obligations of the Chief Procurement Officer are set forth in various sections throughout the Code. Establishing the role of the CPO was not intended to change any of the current practices within each university, but to more clearly establish both internally and for third parties dealing with the universities those decisions that must be made by the CPO, rather than by any Procurement Officer within the institution, and the role that the CPO plays in disputes.

University Policies and Procedures: ABOR Policy 3-802A.2 was revised to define the policies and procedures to be adopted by each University as “University Policies and Procedures” and to vest in the CPO the authority to adopt these University Policies and Procedures.

Changes were made in several sections of the Code to fully implement the board’s 2014 amendment to the Code, increasing the threshold for informal competitive procurement from $50,000 to $100,000 and aligning the Code with the State Procurement Code. The previously approved amendment revised Section 3-803D.1, but did not make corresponding changes to other provisions throughout the Code that were impacted by this revision.

In addition to the revisions that appear throughout the Code, other substantive changes were made to specific Code sections:

3-801:

- 3-801B: The definitions section was enhanced to include definitions that were previously set forth in various provisions throughout the Code. Any defined terms that appear in multiple sections are defined in 3-801B. These definitions were reviewed and updated to align with definitions in the State Procurement Code. Furthermore, additional definitions were included to simplify references to certain terms throughout the Code.

- 3-801D: This section was added to establish the process to identify and determine the confidentiality of information marked as proprietary or trade secrets. The substantive provisions align with Arizona Administrative Code provisions on confidentiality. This section is referred to throughout the Code, wherever confidentiality of information is addressed.
3-802: This section was changed to define the authority of the CPO, and the elements of that authority that the CPO may delegate to Procurement Officers, as authorized by each University President.

3-803: Significant changes were made to this Section to streamline the language and clarify the processes and procedures for source selection and contract formation, but the revisions were not intended to substantively change the existing language or practices of the universities or to deviate from the substantive provisions of the State Code.

- Definitions were removed from this Section and put in Section 3-801B, and were updated to align with definitions in the State Code.
- 3-803A.7: This section was revised to increase from 5% to 10% the amount by which all bids may exceed the available monies for a construction procurement before the solicitation must be re-bid.

3-804: Significant changes were also made to this Section to eliminate duplicative provisions, streamline internal citations, and align with the State Code. Substantive changes were made to some sections.

- 3-804B.2: This section was modified to increase from $250,000 to $500,000 the maximum contract amount for which architect services may be procured through the Annual Request for Qualifications process, as set forth in 3-804B.2. The threshold in the existing code is $500,000 for all Professional Services with professionals other than architects.
- 3-804B.3: This section was modified to align with the changes to Section 3-804B.2, to clarify that all Professional Services Contracts for more than $500,000 must be procured pursuant to Policy 3-804B.3.
- 3-804C.1: This section was modified to increase the limit on construction work that may be done by University personnel (known as the “force account limit”) from $25,000 to $50,000.

3-806:

- 3-806B was modified to acknowledge that standard contracts may not be adopted by Board Counsel for all types of design services and construction project delivery methods permitted by the Code and to require that in those cases in which there is not a Board-approved standard contract, any contracts must be approved by University Counsel.
This section also specifies those instances in which modifications to approved forms of contract must be approved by University and/or Board Counsel.

- 3-806E was added to incorporate the statutory prohibition on certain indemnification provisions in design professional agreements.

- 3-807A.1.b was modified to allow University Policies and Procedures to provide for the sale, lease or disposal of surplus Materials by any appropriate method. This has the effect of explicitly authorizing the “storefronts” that are operated by each of the University procurement departments.

- 3-808: This section on Intergovernmental Procurement was modified substantially, primarily to refer back to the statutory authorization for intergovernmental procurement, and also to more clearly authorize the cooperative purchasing arrangements in which each of the universities participate.

- 3-809: This section was reorganized to more efficiently and effectively describe the dispute resolution process, to clarify that the universities may initiate contract claims or controversies under the Code, and to clarify the respective roles of the Chief Procurement Officer, University Presidents and Hearing Officers in dispute resolution proceedings.

  - 3-809A was modified to define a “Contract Claim or Controversy”; other definitions were moved to 3-801B because they appear in other provisions in the Code.

  - 3-809B was revised to clarify that it applies not only to Bid protests, but to any protests arising out of the procurement process. Language was added from the Arizona Administrative Code regarding the protest process and the content of the protest.

  - 3-809B.4 regarding appeals to the President was enhanced to make clearer the procedures for such a hearing and the remedies available in such a hearing.

  - 3-809D was reorganized to clarify the grounds for suspension or debarment, and the proceedings necessary to suspend or debar a vendor or contractor.
EXECUTIVE SUMMARY

- 3-809 was reorganized to establish the authority of hearing officers (subsection 3-809E) and to establish hearing procedures applicable to any hearing conducted under 3-809 (3-809F).

- 3-811: This Policy was added to incorporate the provisions of Arizona Revised Statutes §41-2517, which creates enhanced conflict of interest rules for those individuals defined as having a “significant procurement role” in any procurement.

Committee Review and Recommendation

The proposed policy revisions to the University Procurement Code were submitted to the Business and Finance Committee for the committee’s review at its September 21, 2016 meeting with a request that the proposed revisions be forwarded to the full board for consideration and a First Reading at the board’s September 22-23 board meeting.

Requested Action

The board office asks the board to review on first reading the proposed revisions to ABOR Policy Chapter III, Article H – the University Procurement Code.
H. UNIVERSITY PROCUREMENT CODE

3-801 GENERAL PROVISIONS

A. APPLICABILITY


2. THIS CODE SHALL APPLY ONLY TO PROCUREMENTS INITIATED BY A UNIVERSITY AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

3. EXCEPT AS PROVIDED IN ABOR POLICY 3-801A(4) AND (5) BELOW, THIS CODE SHALL APPLY TO EVERY EXPENDITURE OF PUBLIC MONIES, INCLUDING FEDERAL ASSISTANCE MONIES (SUBJECT TO REQUIREMENTS OF FEDERAL LAW AS REFERRED TO IN ABOR POLICY 3-808E) BY A UNIVERSITY. THIS CODE ALSO APPLIES TO THE DISPOSAL OF UNIVERSITY MATERIALS.

4. THIS CODE DOES NOT APPLY TO THE FOLLOWING:

   a. TO EITHER GRANTS OR CONTRACTS BETWEEN THE BOARD AND OTHER PUBLIC PROCUREMENT UNITS EXCEPT AS PROVIDED IN ABOR POLICY 3-808.

   b. TO CONTRACTS FOR PROFESSIONAL OR EXPERT WITNESSES IF THE PURPOSE OF SUCH CONTRACTS IS TO PROVIDE FOR PROFESSIONAL SERVICES OR TESTIMONY RELATING TO AN EXISTING OR PROBABLE JUDICIAL PROCEEDING IN WHICH A UNIVERSITY IS OR MAY BECOME A PARTY OR TO A CONTRACT FOR
SPECIAL INVESTIGATIVE SERVICES FOR LAW ENFORCEMENT PURPOSES.

c. TO AGREEMENTS NEGOTIATED BY LEGAL COUNSEL REPRESENTING A UNIVERSITY IN SETTLEMENT OF LITIGATION OR THREATENED LITIGATION.

d. TO INTERNAL AGREEMENTS SOLELY BETWEEN AND AMONG THE BOARD AND/OR ANY UNIVERSITY.

e. TO ITEMS PURCHASED BY A UNIVERSITY FOR RESALE.

f. TO THE PURCHASE OF WATER, GAS, ELECTRIC OR OTHER REGULATED UTILITIES.

g. TO REAL PROPERTY TRANSACTIONS GOVERNED BY CHAPTER 7 OF THE ABOR POLICY MANUAL, “BUILDINGS, INFRASTRUCTURE AND LAND.”

5. NOTHING IN THIS CODE SHALL PREVENT A UNIVERSITY FROM COMPLYING WITH THE TERMS AND CONDITIONS OF ANY GRANT, GIFT, BEQUEST OR COOPERATIVE PURCHASING AGREEMENT.

B. DEFINITIONS. IN THIS CODE, WORDS SHALL HAVE THE MEANINGS SET FORTH IN THIS ABOR POLICY 3-801B, UNLESS OTHERWISE SPECIFIED.


2. “AWARD" MEANS THE EARLIEST OF (A) ISSUANCE OF A NOTICE TO PROCEED (B) EXECUTION OF A CONTRACT BY BOTH PARTIES, OR (C) AUTHORIZATION TO CONTRACT PROVIDED BY THE UNIVERSITY FOR SUCH PURPOSE.

3. “BID” MEANS A RESPONSE TO AN INVITATION FOR BIDS.

4. “BIDDER” MEANS A PERSON WHO SUBMITS A BID IN RESPONSE TO AN INVITATION FOR BIDS.

5. "BIDDER PREQUALIFICATION" MEANS DETERMINING, IN ACCORDANCE WITH UNIVERSITY POLICIES AND

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PROCEDURES, THAT A PROSPECTIVE BIDDER OR OFFEROR SATISFIES THE CRITERIA ESTABLISHED FOR BEING INCLUDED ON A UNIVERSITY BIDDER'S LIST.

6. "BID SAMPLE" MEANS A SAMPLE TO BE FURNISHED BY A BIDDER OR OFFEROR TO SHOW THE CHARACTERISTICS OF THE ITEM OFFERED IN THE BID OR OFFER.

7. "BOARD" MEANS THE ARIZONA BOARD OF REGENTS.

8. "BUSINESS" MEANS ANY FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT STOCK COMPANY, JOINT VENTURE, LIMITED LIABILITY COMPANY OR ANY OTHER LEGAL ENTITY.

9. "CHANGE ORDER" MEANS A WRITTEN ORDER SIGNED BY A PROCUREMENT OFFICER WHICH DIRECTS THE CONTRACTOR TO MAKE CHANGES THAT THE CHANGES CLAUSE OF THE CONTRACT AUTHORIZES THE PROCUREMENT OFFICER TO ORDER.

10. “CHIEF PROCUREMENT OFFICER" OR "CPO" MEANS THE PROCUREMENT OFFICER WITHIN A UNIVERSITY WHO IS ACTING UNDER SPECIFIC, WRITTEN AUTHORITY FROM A UNIVERSITY PRESIDENT, OR A PERSON DELEGATED THAT AUTHORITY BY THE CHIEF PROCUREMENT OFFICER.

11. "CODE" MEANS THE UNIVERSITY PROCUREMENT CODE.

12. "CONSTRUCTION":

a. MEANS THE PROCESS OF BUILDING, ALTERING, REPAIRING, IMPROVING, DEMOLISHING OR SITE PREPARATION FOR ANY PUBLIC STRUCTURE OR BUILDING, OR OTHER PUBLIC IMPROVEMENTS OF ANY KIND TO ANY REAL PROPERTY.

b. DOES NOT INCLUDE:

(1) THE ROUTINE OPERATION, REPAIR OR MAINTENANCE OF EXISTING FACILITIES, STRUCTURES, BUILDINGS OR REAL PROPERTY.

(2) THE INVESTIGATION, CHARACTERIZATION, RESTORATION OR REMEDIATION DUE TO AN
ENVIRONMENTAL ISSUE WITHIN EXISTING FACILITIES, STRUCTURES, BUILDINGS OR REAL PROPERTY.

13. “CONSTRUCTION-MANAGER-AT-RISK” (“CMAR”) MEANS A PROJECT DELIVERY METHOD IN WHICH:

a. THERE ARE SEPARATE CONTRACTS FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, EXCEPT THAT A UNIVERSITY MAY ELECT TO ENTER INTO SEPARATE CONTRACTS WITH THE CMAR FOR PRECONSTRUCTION SERVICES DURING THE DESIGN PHASE; FOR CONSTRUCTION DURING THE CONSTRUCTION PHASE; AND FOR ANY OTHER CONSTRUCTION SERVICES.

b. THE CONTRACT FOR CONSTRUCTION SERVICES MAY BE ENTERED INTO AT THE SAME TIME AS THE CONTRACT FOR DESIGN SERVICES OR AT A LATER TIME.

c. DESIGN AND CONSTRUCTION OF THE PROJECT MAY BE IN SEQUENTIAL PHASES OR CONCURRENT PHASES.

d. FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, PRECONSTRUCTION SERVICES AND OTHER RELATED SERVICES MAY BE INCLUDED.

14. “CONSTRUCTION SERVICES” MEANS EITHER OF THE FOLLOWING FOR CMAR, DB AND JOC PROJECT DELIVERY METHODS:

a. CONSTRUCTION, EXCLUDING PROFESSIONAL SERVICES AND OTHER PRECONSTRUCTION SERVICES, THROUGH THE CMAR OR JOC PROJECT DELIVERY METHODS, AS DEFINED IN FURTHER DETAIL IN THE CONSTRUCTION CONTRACT.

b. A COMBINATION OF CONSTRUCTION AND, AS ELECTED BY THE UNIVERSITY, ONE OR MORE RELATED SERVICES, SUCH AS FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, DESIGN SERVICES AND PRECONSTRUCTION SERVICES, AS THOSE SERVICES ARE AUTHORIZED IN
15. "CONTRACT" MEANS ALL TYPES OF AGREEMENTS ENTERED INTO BY A UNIVERSITY, REGARDLESS OF WHAT THEY MAY BE CALLED, FOR THE PROCUREMENT OF MATERIALS, SERVICES, CONSTRUCTION OR CONSTRUCTION SERVICES, OR THE DISPOSAL OF MATERIALS.

16. "CONTRACT MODIFICATION" MEANS ANY WRITTEN ALTERATION IN THE TERMS AND CONDITIONS OF ANY CONTRACT ACCOMPLISHED BY MUTUAL ACTION OF THE PARTIES TO THE CONTRACT, INCLUDING CHANGE ORDERS.

17. "CONTRACTOR" MEANS ANY PERSON WHO HAS A CONTRACT WITH THE BOARD OR WITH THE BOARD FOR AND ON BEHALF OF A UNIVERSITY.

18. "COST-REIMBURSEMENT CONTRACT" MEANS A CONTRACT UNDER WHICH A CONTRACTOR IS REIMBURSED FOR COSTS WHICH ARE REASONABLE, ALLOWABLE, AND ALLOCABLE IN ACCORDANCE WITH THE CONTRACT TERMS AND THE PROVISIONS OF THIS CODE AND UNIVERSITY POLICIES AND PROCEDURES, AND PAID A FEE, IF PROVIDED FOR IN THE CONTRACT.

19. "COUNSEL" MEANS LEGAL COUNSEL TO THE ARIZONA BOARD OF REGENTS OR A UNIVERSITY.

20. "DATA" MEANS DOCUMENTED INFORMATION, REGARDLESS OF FORM OR CHARACTERISTIC.


22. "DEMONSTRATION PROJECT" MEANS A PROJECT IN WHICH A CONTRACTOR SUPPLIES A SERVICE OR MATERIAL TO A UNIVERSITY FOR WHICH THE UNIVERSITY DOES NOT PAY BUT FOR WHICH THE UNIVERSITY MAY BE OBLIGATED TO PROVIDE ROUTINE SUPPORT SUCH AS UTILITY COST AND OPERATING PERSONNEL.

23. "DESIGN-BID-BUILD" ("DBB") MEANS A PROJECT DELIVERY METHOD IN WHICH:

a. THERE IS A SEQUENTIAL AWARD OF TWO (2)
SEPARATE CONTRACTS.

b. THE FIRST CONTRACT IS FOR DESIGN SERVICES.

c. THE SECOND CONTRACT IS FOR CONSTRUCTION.

d. DESIGN AND CONSTRUCTION OF THE PROJECT ARE IN SEQUENTIAL PHASES.

e. FINANCE SERVICES, MAINTENANCE SERVICES AND OPERATIONS SERVICES ARE NOT INCLUDED.

24. “DESIGN-BUILD” (“DB”) MEANS A PROJECT DELIVERY METHOD IN WHICH:

a. THERE IS A SINGLE CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, EXCEPT THAT INSTEAD OF A SINGLE CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION SERVICES, THE BOARD OR UNIVERSITY MAY ELECT SEPARATE CONTRACTS FOR PRECONSTRUCTION SERVICES AND DESIGN SERVICES DURING THE DESIGN PHASE, FOR CONSTRUCTION AND DESIGN SERVICES DURING THE CONSTRUCTION PHASE AND FOR ANY OTHER CONSTRUCTION SERVICES.

b. DESIGN AND CONSTRUCTION OF THE PROJECT MAY BE EITHER:

(1) SEQUENTIAL, WITH THE ENTIRE DESIGN COMPLETE BEFORE CONSTRUCTION COMMENCES; OR

(2) CONCURRENT, WITH THE DESIGN PRODUCED IN TWO OR MORE PHASES AND CONSTRUCTION OF SOME PHASES COMMENCING BEFORE THE ENTIRE DESIGN IS COMPLETE.

c. FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, DESIGN SERVICES, PRECONSTRUCTION SERVICES AND OTHER RELATED SERVICES MAY BE INCLUDED.

25. “DESIGN PROFESSIONAL” MEANS AN INDIVIDUAL OR FIRM THAT IS REGISTERED BY THE STATE BOARD OF TECHNICAL REGISTRATION PURSUANT TO A.R.S. TITLE 32, CHAPTER 1
TO PRACTICE ARCHITECTURE, ENGINEERING, GEOLOGY, LANDSCAPE ARCHITECTURE OR LAND SURVEYING OR ANY COMBINATION OF THOSE PROFESSIONS AND ANY PERSON EMPLOYED BY THE REGISTERED INDIVIDUAL OR FIRM, AND IT INCLUDES SPECIAL OR CONSULTING SERVICES REQUIRED FOR THE DESIGN OF A PROJECT.

26. “DESIGN REQUIREMENTS”:

a. MEANS AT A MINIMUM THE UNIVERSITY’S WRITTEN DESCRIPTION OF THE PROJECT OR SERVICE TO BE PROCURED, INCLUDING:

   (1) THE REQUIRED FEATURES, FUNCTIONS, CHARACTERISTICS, QUALITIES AND PROPERTIES, INCLUDING, WHEN APPLICABLE, PROGRAMMING, PLANNING, AND SITE AND BUILDING DEVELOPMENT GUIDELINES.

   (2) THE ANTICIPATED SCHEDULE, INCLUDING START, DURATION AND COMPLETION.

   (3) THE ESTIMATED BUDGETS APPLICABLE TO THE SPECIFIC PROCUREMENT FOR DESIGN AND CONSTRUCTION AND, IF APPLICABLE, FOR OPERATION AND MAINTENANCE.

b. MAY INCLUDE:

   (1) DRAWINGS AND OTHER DOCUMENTS ILLUSTRATING THE SCALE AND RELATIONSHIP OF THE FEATURES, FUNCTIONS AND CHARACTERISTICS OF THE PROJECT, WHICH SHALL BE PREPARED BY AN ARCHITECT OR ENGINEER, AS APPROPRIATE, WHO IS REGISTERED PURSUANT TO A.R.S. §32-121.

   (2) ADDITIONAL DESIGN INFORMATION OR DOCUMENTS THAT THE UNIVERSITY ELECTS TO INCLUDE.

27. “DESIGN SERVICES” MEANS SERVICES PROVIDED BY A DESIGN PROFESSIONAL.

28. “DESIGNEE” MEANS A DULY AUTHORIZED REPRESENTATIVE OF A UNIVERSITY OR BOARD PRESIDENT OR CPO IF THE
CPO IS AUTHORIZED BY THE PRESIDENT TO SUB-DESIGNATE.

29. “DISCUSSION” MEANS “NEGOTIATION” AS DEFINED IN THIS ABOR POLICY 3-801B.

30. “EMPLOYEE” MEANS AN INDIVIDUAL DRAWING A SALARY OR WAGE FROM A UNIVERSITY OR FROM THE BOARD, AND ANY NON-COMPENSATED INDIVIDUAL PERFORMING PERSONAL SERVICES FOR ANY UNIVERSITY.

31. “ENGINEER SERVICES” MEANS THOSE PROFESSIONAL ENGINEER SERVICES THAT ARE WITHIN THE SCOPE OF ENGINEERING PRACTICE AS PROVIDED IN A.R.S. §32-101, ET. SEQ.

32. "ESTABLISHED CATALOG PRICE" MEANS THE PRICE INCLUDED IN A CATALOG, PRICE LIST, SCHEDULE OR OTHER FORM THAT:

a. IS REGULARLY MAINTAINED BY A MANUFACTURER, DISTRIBUTOR OR CONTRACTOR.

b. IS EITHER PUBLISHED OR OTHERWISE AVAILABLE FOR INSPECTION BY CUSTOMERS.

c. STATES PRICES AT WHICH SALES ARE CURRENTLY OR LAST MADE TO A SIGNIFICANT NUMBER OF ANY CATEGORY OF BUYERS OR BUYERS CONSTITUTING THE GENERAL BUYING PUBLIC FOR THE MATERIALS OR SERVICES INVOLVED.

33. “FINANCE SERVICES” MEANS FINANCING FOR A CONSTRUCTION SERVICES PROJECT.

34. “GRANT” MEANS THE FURNISHING BY THE STATE, THE BOARD OR A UNIVERSITY, OF ASSISTANCE, WHETHER FINANCIAL OR OTHERWISE, TO ANY PERSON TO SUPPORT A PROGRAM AUTHORIZED BY LAW. GRANT DOES NOT INCLUDE AN AGREEMENT WHOSE PRIMARY PURPOSE IS TO SECURE A SPECIFIC END PRODUCT, WHETHER IN THE FORM OF MATERIALS, SERVICES OR CONSTRUCTION. A CONTRACT RESULTING FROM SUCH AN AGREEMENT IS NOT A GRANT BUT A PROCUREMENT CONTRACT.

35. “INTERESTED PARTY” MEANS AN ACTUAL OR PROSPECTIVE

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BIDDER OR OFFEROR WHOSE ECONOMIC INTEREST IS AFFECTED SUBSTANTIALLY AND DIRECTLY BY THE ISSUANCE OF A SOLICITATION, THE AWARD OF A CONTRACT, OR BY THE FAILURE TO AWARD A CONTRACT. WHETHER AN ACTUAL OR PERSPECTIVE BIDDER OR OFFEROR HAS AN ECONOMIC INTEREST WILL DEPEND UPON THE CIRCUMSTANCES IN EACH CASE. FOR INSTANCE, A BIDDER WHO IS FOURTH (4TH) IN LINE TO RECEIVE A CONTRACT DOES NOT HAVE A SUFFICIENT ECONOMIC INTEREST TO PROTEST THE PROPOSED AWARD OF A CONTRACT TO THE LOW BIDDER.

36. "INVITATION FOR BIDS" MEANS ALL DOCUMENTS, WHETHER ATTACHED OR INCORPORATED BY REFERENCE, WHICH ARE USED FOR SOLICITING BIDS IN ACCORDANCE WITH THE PROcedures PRESCRIBED IN ABOR POLICY, INCLUDING THE CODE.

37. “JOB-ORDER-CONTRACTING” ("JOC") MEANS A PROJECT DELIVERY METHOD IN WHICH:

a. THE CONTRACT IS A REQUIREMENTS CONTRACT FOR INDEFINITE QUANTITIES OF CONSTRUCTION.

b. THE CONSTRUCTION TO BE PERFORMED IS SPECIFIED IN JOB ORDERS ISSUED DURING THE CONTRACT PERIOD.

c. FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, PRECONSTRUCTION SERVICES, DESIGN SERVICES AND OTHER RELATED SERVICES MAY BE INCLUDED.


39. “MAINTENANCE SERVICES” MEANS ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT OF EXISTING FACILITIES, STRUCTURES, BUILDINGS OR REAL PROPERTY.

40. "MATERIALS"

a. MEANS ALL PROPERTY, INCLUDING EQUIPMENT, SUPPLIES, PRINTING, INSURANCE AND LEASES OF
PERSONAL PROPERTY.

b. DOES NOT INCLUDE LAND OR ANY INTEREST IN LAND OR REAL PROPERTY, AS ALL PURCHASES, SALES OR LEASES OF LAND ARE GOVERNED BY CHAPTER 7 OF THIS POLICY MANUAL.

41. "MULTI-STEP SEALED BIDDING" MEANS A TWO-PHASE PROCESS CONSISTING OF A FIRST PHASE CONSISTING OF ONE OR MORE STEPS IN WHICH BIDDERS SUBMIT UNPRICED TECHNICAL OFFERS TO BE EVALUATED BY THE UNIVERSITY, AND A SECOND PHASE IN WHICH THOSE BIDDERS WHOSE TECHNICAL OFFERS ARE DETERMINED TO BE ACCEPTABLE, DURING THE FIRST PHASE, HAVE THEIR PRICE BIDS CONSIDERED.

42. "NEGOTIATION" MEANS AN EXCHANGE OR SERIES OF EXCHANGES BETWEEN A UNIVERSITY AND AN OFFEROR OR CONTRACTOR THAT ALLOWS THE UNIVERSITY OR THE OFFEROR OR CONTRACTOR TO REVISE AN OFFER OR CONTRACT, UNLESS REVISION IS SPECIFICALLY PROHIBITED BY THIS CODE.

43. "NOTICE OF INTENT TO AWARD" MEANS A NOTICE TO ALL INTERESTED PARTIES, EMAILED, MAILED OR POSTED ONLINE, THAT A BIDDER OR OFFEROR HAS BEEN SELECTED FOR A CONTRACT AWARD.

44. "OFFER" MEANS A PROPOSAL OR SUBMISSION OF QUALIFICATIONS, AS APPLICABLE, WHEN A PROCUREMENT IS MADE BY A SOURCE SELECTION METHOD OTHER THAN COMPETITIVE SEALED BIDDING.

45. "OFFEROR" MEANS A PERSON SUBMITTING A PROPOSAL OR STATEMENT OF QUALIFICATIONS, AS APPLICABLE, WHEN A PROCUREMENT IS MADE BY A SOURCE SELECTION METHOD OTHER THAN COMPETITIVE SEALED BIDDING.

46. "OPENING" MEANS THE DATE AND TIME SET FOR UNSEALING BIDS, RECEIPT OF UNPRICED TECHNICAL OFFERS IN MULTI-STEP SEALED BIDDING, OR RECEIPT OF PROPOSALS AND COMPETITIVE SEALED PROPOSALS.

47. "OPERATIONS SERVICES" MEANS ROUTINE OPERATION OF EXISTING FACILITIES, STRUCTURES, BUILDINGS OR REAL PROPERTY.
48. “PAPER” MEANS NEWSPAPER, HIGH GRADE OFFICE PAPER, FINE PAPER, BOND PAPER, OFFSET PAPER, XEROGRAPHIC PAPER, DUPLICATOR PAPER AND RELATED TYPES OF CELLULOSIC MATERIALS CONTAINING NOT MORE THAN 10 PERCENT BY WEIGHT OR VOLUME OF NON-CELLULOSIC MATERIAL SUCH AS LAMINATES, BINDERS, COATINGS OR SATURATES.

49. “PAPER PRODUCT” MEANS PAPER ITEMS OR COMMODITIES, INCLUDING PAPER NAPKINS, TOWELS, CORRUGATED PAPER AND RELATED TYPES OF CELLULOSIC PRODUCTS CONTAINING NOT MORE THAN 10 PERCENT BY WEIGHT OR VOLUME OF NON-CELLULOSIC MATERIALS SUCH AS LAMINATES, BINDERS, COATINGS OR SATURATES.

50. "PERSON" MEANS ANY CORPORATION, BUSINESS, INDIVIDUAL, UNION, COMMITTEE, CLUB, OTHER ORGANIZATION OR GROUP OF INDIVIDUALS.

51. “POST-CONSUMER MATERIAL” MEANS A DISCARD GENERATED BY A BUSINESS OR RESIDENCE THAT HAS FULFILLED ITS USEFUL LIFE. POST-CONSUMER MATERIALS DOES NOT INCLUDE DISCARDS FROM INDUSTRIAL OR MANUFACTURING PROCESSES.

52. “PRECONSTRUCTION SERVICES” MEANS SERVICES AND OTHER ACTIVITIES PERFORMED DURING THE DESIGN PHASE OF A CONSTRUCTION PROJECT.

53. "PRESIDENT" OR "UNIVERSITY PRESIDENT" MEANS THE PRESIDENT OF A UNIVERSITY OR THE PRESIDENT OF THE BOARD.

54. "PROCUREMENT":

a. MEANS BUYING, PURCHASING, RENTING, LEASING OR OTHERWISE ACQUIRING ANY MATERIALS, SERVICES, CONSTRUCTION, CONSTRUCTION SERVICES OR PROFESSIONAL SERVICES.

b. INCLUDES ALL FUNCTIONS THAT PERTAIN TO ACQUIRING ANY MATERIALS, SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES, INCLUDING DESCRIPTION OF REQUIREMENTS, SELECTION AND SOLICITATION OF SOURCES,
PREPARATION AND AWARD OF CONTRACT, AND ALL PHASES OF CONTRACT ADMINISTRATION.

55. “PROCUREMENT OFFICER” MEANS ANY INDIVIDUAL WHO HAS BEEN DESIGNATED BY THE PRESIDENT OR CPO, IF THE CPO IS AUTHORIZED BY THE PRESIDENT TO MAKE SUCH DESIGNATIONS, TO CONDUCT PROCUREMENT ACTIVITIES ON BEHALF OF THE UNIVERSITY OR BOARD. FOR ANY UNIVERSITY, THE AUTHORITY OF ANY INDIVIDUAL PROCUREMENT OFFICER TO CONDUCT PROCUREMENT ACTIVITIES MAY DIFFER DEPENDING UPON THE TYPE AND DOLLAR VALUE OF THE PROCUREMENT.

56. “PROFESSIONAL SERVICES” MEANS BOTH DESIGN SERVICES AND SERVICES PERFORMED BY AN ASSAYER OR INTERIOR DESIGNER AND ANY COMBINATION OF THOSE SERVICES.

57. “PROPOSAL” MEANS AN OFFER SUBMITTED IN RESPONSE TO A REQUEST FOR PROPOSALS.

58. “PROPOSER” MEANS A PERSON WHO RESPONDS TO A REQUEST FOR INFORMATION OR REQUEST FOR PROPOSALS.

59. "PURCHASE DESCRIPTION" MEANS THE WORDS USED IN A SOLICITATION TO DESCRIBE THE MATERIALS, SERVICES, CONSTRUCTION OR CONSTRUCTION SERVICES TO BE OBTAINED AND INCLUDES PLANS AND SPECIFICATIONS ATTACHED TO, OR MADE A PART OF, THE SOLICITATION.

60. “RECYCLED PAPER” MEANS PAPER PRODUCTS WHICH HAVE BEEN MANUFACTURED FROM MATERIALS OTHERWISE DESTINED FOR THE WASTE STREAM AND WHICH CONTAIN AT LEAST 40 PERCENT RECOVERED WASTEPAPER WITH 10 PERCENT OF THAT BEING POST-CONSUMER MATERIAL.

61. “REQUEST FOR INFORMATION” MEANS ALL DOCUMENTS ISSUED FOR THE SOLE PURPOSE OF SEEKING INFORMATION ABOUT THE AVAILABILITY IN THE COMMERCIAL MARKETPLACE OF MATERIALS OR SERVICES.

62. “REQUEST FOR PROPOSALS” MEANS ALL DOCUMENTS, WHETHER ATTACHED OR INCORPORATED BY REFERENCE, WHICH ARE USED IN SOLICITING PROPOSALS IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN THE
63. "REQUEST FOR QUALIFICATIONS" MEANS ALL DOCUMENTS, WHETHER ATTACHED OR INCORPORATED BY REFERENCE, WHICH ARE USED IN SOLICITING STATEMENTS OF QUALIFICATIONS IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN THE CODE AND OTHER APPLICABLE ABOR POLICIES.

64. "REQUIREMENTS CONTRACT" MEANS A TERM CONTRACT COVERING ESTIMATED QUANTITIES OF MATERIALS OR SERVICES OR INDEFINITE QUANTITIES OF JOC CONSTRUCTION SERVICES, OR MAXIMUM AND/OR MINIMUM QUANTITIES AND WITH DELIVERY ON DEMAND.

65. "RESPONSIBLE BIDDER, PROPOSER OR OFFEROR" MEANS A PERSON WHO HAS THE CAPABILITY, INCLUDING NECESSARY EXPERIENCE, TO PERFORM THE CONTRACT REQUIREMENTS; WHO HAS THE INTEGRITY AND RELIABILITY WHICH WILL ENSURE GOOD FAITH PERFORMANCE AND APPROPRIATE QUALITY OF THE MATERIALS, SERVICES, CONSTRUCTION OR CONSTRUCTION SERVICES, TO BE PROVIDED; AND WHO IS IN COMPLIANCE WITH ANY AND ALL LICENSING AND REGISTRATION REQUIREMENTS OF THE STATE OF ARIZONA.

66. "RESPONSIVE BIDDER, PROPOSER OR OFFEROR" MEANS A PERSON WHO SUBMITS A BID OR OFFER WHICH CONFORMS IN ALL MATERIAL RESPECTS TO THE INVITATION FOR BIDS OR REQUEST FOR PROPOSALS.

67. "SELECTION COMMITTEE" MEANS A COMMITTEE OF PERSONS APPOINTED BY THE CPO OR A PROCUREMENT OFFICER FOR ANY PROCUREMENT, AND ANY SUCCESSORS APPOINTED BY THE CPO OR PROCUREMENT OFFICER IN THE EVENT AN APPOINTED MEMBER IS UNABLE TO CONTINUE SERVING.

68. "SERVICES"
   a. MEANS THE FURNISHING OF LABOR, TIME OR EFFORT BY A CONTRACTOR WHICH DOES NOT INVOLVE THE DELIVERY OF A SPECIFIC END PRODUCT OTHER THAN REQUIRED REPORTS AND PERFORMANCE.
   b. DOES NOT INCLUDE EMPLOYMENT AGREEMENTS OR
COLLECTIVE BARGAINING AGREEMENTS.

69. “SMALL BUSINESS” MEANS A FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION, INCLUDING ITS AFFILIATES, WHICH EITHER (A) EMPLOYS ONE HUNDRED (100) FULL-TIME EMPLOYEES OR FEWER, OR (B) HAD GROSS ANNUAL RECEIPTS OF FOUR MILLION DOLLARS ($4,000,000) OR LESS IN ITS LAST FISCAL YEAR.

70. "SOLICITATION" MEANS AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, A REQUEST FOR QUOTATIONS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER REQUESTS BY A UNIVERSITY FOR THE PURPOSE OF SOLICITING BIDS, OFFERS, OR QUALIFICATIONS TO PERFORM A CONTRACT TO BE ENTERED INTO BY THE BOARD.

71. “SPECIFIC SINGLE PROJECT” MEANS ONE OR MORE FACILITIES AT A SINGLE LOCATION, AT A COMMON LOCATION OR, IF FOR A SINGLE PURPOSE, AT MULTIPLE LOCATIONS.

72. "STATE GOVERNMENTAL UNIT" MEANS ANY DEPARTMENT, COMMISSION, COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION, AGENCY, GOVERNMENT CORPORATION OR OTHER ESTABLISHMENT OR OFFICIAL OF THE EXECUTIVE BRANCH OR CORPORATION COMMISSION OF THIS STATE EXCEPT THE BOARD AND THE INSTITUTIONS AND UNIVERSITIES UNDER ITS JURISDICTION.

73. “SUBCONTRACTOR” MEANS A PERSON WHO CONTRACTS TO PERFORM WORK OR RENDER SERVICE TO A CONTRACTOR OR TO ANOTHER SUBCONTRACTOR AS PART OF A CONTRACT WITH THE BOARD OR A UNIVERSITY.

74. "TECHNICAL OFFER OR PROPOSAL" MEANS SOLICITED OR UNSOLICITED SUBMISSION OF WRITTEN INFORMATION FROM A PROSPECTIVE CONTRACTOR THAT STATES HOW THAT PERSON INTENDS TO PERFORM CERTAIN WORK; ITS TECHNICAL AND BUSINESS QUALIFICATIONS; AND ITS PROPOSED DELIVERY, WARRANTY, AND OTHER TERMS AND CONDITIONS AS THOSE MIGHT DIFFER FROM OR SUPPLEMENT THE UNIVERSITY’S SOLICITATION REQUIREMENTS. IT SHALL INCLUDE SUCH PRICING INFORMATION AS MAY BE REQUIRED.
75. "UNIVERSITY" MEANS THE ARIZONA BOARD OF REGENTS OR ANY INSTITUTION GOVERNS BY AND UNDER THE JURISDICTION OF THE BOARD.

76. "WASTEPAPER" MEANS RECYCLABLE PAPER AND PAPERBOARD, INCLUDING HIGH GRADE OFFICE PAPER, COMPUTER PAPER, FINE PAPER, BOND PAPER, OFFSET PAPER, XEROGRAPHIC PAPER, DUPLICATOR PAPER AND CORRUGATED PAPER.

C. WRITTEN DETERMINATIONS

1. WRITTEN DETERMINATIONS REQUIRED BY THIS CODE SHALL BE FILED AND RETAINED IN THE APPROPRIATE OFFICIAL RECORDS MAINTAINED BY EACH UNIVERSITY RELATIVE TO THE PROCUREMENT TO WHICH THE DETERMINATION REFERS.

2. EACH WRITTEN DETERMINATION SHALL INCLUDE THE BASIS FOR THE ACTION TAKEN IN THE WRITTEN DETERMINATION.

D. CONFIDENTIAL INFORMATION

1. IF A PERSON WANTS TO ASSERT THAT A PERSON'S BID, OFFER, SPECIFICATION, OR PROTEST CONTAINS A TRADE SECRET OR OTHER PROPRIETARY INFORMATION, THE PERSON SHALL INCLUDE WITH THE SUBMISSION A STATEMENT SUPPORTING THIS ASSERTION. THE PERSON SHALL CLEARLY DESIGNATE ANY TRADE SECRET AND OTHER PROPRIETARY INFORMATION, USING THE TERM "CONFIDENTIAL". CONTRACT TERMS AND CONDITIONS, PRICING, AND INFORMATION GENERALLY AVAILABLE TO THE PUBLIC ARE NOT CONSIDERED CONFIDENTIAL INFORMATION UNDER THIS CODE.

2. UNTIL A FINAL DETERMINATION OF CONFIDENTIALITY IS MADE UNDER ABOR POLICY 3-801D.3, THE PROCUREMENT OFFICER SHALL NOT DISCLOSE INFORMATION DESIGNATED AS CONFIDENTIAL UNDER 3-801D.3.A EXCEPT TO THOSE INDIVIDUALS DEEMED BY THE PROCUREMENT OFFICER TO HAVE A LEGITIMATE STATE INTEREST.

3. UPON RECEIPT OF A SUBMISSION WITH A STATEMENT PURSUANT TO ABOR POLICY 3-801D.1, THE PROCUREMENT OFFICER SHALL MAKE ONE OF THE FOLLOWING WRITTEN
DETERMINATIONS:

a. THE DESIGNATED INFORMATION IS CONFIDENTIAL AND THE PROCUREMENT OFFICER WILL NOT DISCLOSE THE INFORMATION EXCEPT TO THOSE INDIVIDUALS DEEMED BY THE PROCUREMENT OFFICER TO HAVE A LEGITIMATE STATE INTEREST;

b. THE DESIGNATED INFORMATION IS NOT CONFIDENTIAL; OR

c. ADDITIONAL INFORMATION IS REQUIRED BEFORE A FINAL CONFIDENTIALITY DETERMINATION CAN BE MADE.

4. IF THE PROCUREMENT OFFICER DETERMINES THAT INFORMATION SUBMITTED IS NOT CONFIDENTIAL, A PERSON WHO MADE THE SUBMISSION SHALL BE NOTIFIED IN WRITING. THE NOTICE SHALL INCLUDE A TIME PERIOD FOR REQUESTING A REVIEW OF THE DETERMINATION BY THE CHIEF PROCUREMENT OFFICER ("CPO").

5. A PROCUREMENT OFFICE MAY RELEASE INFORMATION DESIGNATED AS CONFIDENTIAL UNDER THIS ABOR POLICY 3-801D IF:

a. A REQUEST FOR REVIEW IS NOT RECEIVED BY THE CPO WITHIN THE TIME PERIOD SPECIFIED IN THE NOTICE; OR

b. THE CPO, AFTER REVIEW, MAKES A WRITTEN DETERMINATION THAT THE DESIGNATED INFORMATION IS NOT CONFIDENTIAL.

E. MISCELLANEOUS PROVISIONS

1. THE TERM "MAY" DENOTES THE PERMISSIVE. THE TERM "SHALL" DENOTES THE IMPERATIVE.

2. UNLESS DISPLACED BY THE PARTICULAR PROVISIONS OF THIS CODE, THE PRINCIPLES OF LAW AND EQUITY, INCLUDING THE UNIFORM COMMERCIAL CODE OF THIS STATE, THE COMMON LAW OF CONTRACTS AS APPLIED IN THIS STATE AND LAW RELATIVE TO AGENCY, FRAUD, MISREPRESENTATION, DURESS, COERCION, AND MISTAKE SUPPLEMENT THE PROVISIONS OF THIS CODE.
(1) A UNIVERSITY PRESIDENT OR CPO MAY DESIGNATE AN INDIVIDUAL OR INDIVIDUALS TO ACT ON BEHALF OF A CPO OR A PROCUREMENT OFFICER IN THE ABSENCE OR UNAVAILABILITY OF SUCH OFFICER.
3-802 PROCUREMENT AUTHORITY

A. AUTHORITY OF CHIEF PROCUREMENT OFFICER

1. THE CHIEF PROCUREMENT OFFICER ("CPO") AND OTHER PROCUREMENT OFFICERS AT EACH UNIVERSITY FUNCTION UNDER THE DIRECTION OF THE UNIVERSITY PRESIDENT OR THE PRESIDENT'S DESIGNEE AND HAVE THE AUTHORITY TO COMMIT UNIVERSITY FUNDS FOR PROCUREMENTS ON BEHALF OF A UNIVERSITY.

2. THE CPO AT EACH UNIVERSITY MAY, AS NECESSARY, PROMULGATE WRITTEN POLICIES, PROCEDURES, RULES, GUIDELINES AND OTHER DIRECTIVES (COLLECTIVELY REFERRED TO AS “UNIVERSITY POLICIES AND PROCEDURES”), CONSISTENT WITH THIS CODE AND OTHER BOARD POLICIES, GOVERNING THE PROCUREMENT AND MANAGEMENT OF MATERIALS, SERVICES, CONSTRUCTION AND CONSTRUCTION SERVICES TO BE PROCURED BY THE UNIVERSITY AND THE DISPOSAL OF MATERIALS. SUCH UNIVERSITY POLICIES AND PROCEDURES ARE SUBJECT TO REVIEW AND/OR MODIFICATION BY THE BOARD AT ITS DISCRETION.

3. NOTWITHSTANDING ABOR POLICY 3-802A.1 AND 2, THE AUTHORITY OF THE CPO AND OTHER PROCUREMENT OFFICERS IS SUBJECT TO SUCH LIMITATIONS AS MAY EXIST IN OTHER BOARD POLICIES AND AS MAY BE SET FORTH SPECIFICALLY IN ANY DESIGNATIONS, OR DELEGATIONS OF AUTHORITY, BY A UNIVERSITY PRESIDENT OR THE PRESIDENT’S DESIGNEE PURSUANT TO THIS POLICY.

4. THE CPO AND PROCUREMENT OFFICERS AT EACH UNIVERSITY HAVE THE AUTHORITY TO DETERMINE THE SPECIFICATIONS THAT ARE APPROPRIATE FOR THE INTENDED PURPOSE.

5. THE CPO AT EACH UNIVERSITY HAS THE AUTHORITY TO ESTABLISH CONTRACTOR PERFORMANCE STANDARDS AND TO ESTABLISH A SYSTEM TO EVALUATE CONTRACTOR CURRENT AND PAST PERFORMANCE.

6. THE CPO MAY, AS AUTHORIZED BY THE PRESIDENT, DESIGNATE CERTAIN INDIVIDUALS AS PROCUREMENT OFFICERS AND DELEGATE AUTHORITY OR SPECIFIC PROCUREMENT FUNCTIONS TO PROCUREMENT OFFICERS
OR OTHER EMPLOYEES OF A UNIVERSITY THAT THE CPO DETERMINES HAVE THE REQUISITE AND NECESSARY EXPERIENCE, TRAINING, AND QUALIFICATIONS.

B. AUTHORITY TO PAY FOR SERVICES

1. PAYMENT FOR ANY PROCUREMENT HAVING AN AGGREGATE COST OF ONE HUNDRED THOUSAND DOLLARS ($100,000) OR GREATER PROCURED UNDER THIS CODE, SHALL NOT BE MADE UNLESS PURSUANT TO A FULLY APPROVED WRITTEN CONTRACT.

2. PAYMENT FOR ANY PROCUREMENT HAVING AN AGGREGATE COST LESS THAN ONE HUNDRED THOUSAND DOLLARS ($100,000) SHALL BE MADE CONSISTENT WITH ESTABLISHED UNIVERSITY POLICIES AND PROCEDURES.

C. IMPACT OF RULES PROMULGATED UNDER CODE

1. EXCEPT BY MUTUAL CONSENT OF THE PARTIES, NO RULES PROMULGATED BY THE BOARD OR ANY UNIVERSITY UNDER THIS CODE MAY CHANGE ANY COMMITMENT, RIGHT OR OBLIGATION OF THE BOARD OR A UNIVERSITY OR OF A CONTRACTOR UNDER A CONTRACT IN EXISTENCE ON THE EFFECTIVE DATE OF THE RULE.

2. EXCEPT BY MUTUAL CONSENT OF THE PARTIES, UNIVERSITY POLICIES AND PROCEDURES ADOPTED PURSUANT TO THIS POLICY MAY NOT CHANGE ANY COMMITMENT, RIGHT OR OBLIGATION OF THE BOARD, A UNIVERSITY OR OF A CONTRACTOR UNDER A CONTRACT IN EXISTENCE ON THE EFFECTIVE DATE OF THE UNIVERSITY POLICIES AND PROCEDURES.
A. COMPETITIVE SEALED BIDDING

1. CONTRACTS SHALL BE AWARDED BY COMPETITIVE SEALED BIDDING EXCEPT AS PROVIDED BY THIS CODE IN ACCORDANCE WITH THE FOLLOWING SECTIONS:

   a. 3-803B – COMPETITIVE SEALED PROPOSALS
   b. 3-803C.1 – PROCUREMENT NOT EXCEEDING ONE HUNDRED THOUSAND DOLLARS ($100,000)
   c. 3-803C.2 – SOLE SOURCE PROCUREMENT
   d. 3-803C.3 – EMERGENCY PROCUREMENT
   e. 3-803C.4 – PROCUREMENT OF LIVESTOCK, ANIMALS, FEED, ETC.
   f. 3-803C.5 – PROCUREMENT OF MATERIALS AT AUCTION OR AT COMMODITY INDEX – EXCLUDING REAL PROPERTY
   g. 3-803C.6 – SIMPLIFIED CONSTRUCTION PROCUREMENT PROGRAM
   h. 3-803D – COMPETITIVE SELECTION PROCESS FOR CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, FINANCIAL ADVISORS AND CONSULTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL
   i. 3-804B – PROCUREMENT OF PROFESSIONAL SERVICES AND CONSTRUCTION SERVICES
   j. 3-808G – INTERGOVERNMENTAL AND COOPERATIVE PROCUREMENT

2. AN INVITATION FOR BIDS SHALL BE ISSUED AND SHALL INCLUDE A PURCHASE DESCRIPTION AND CONTRACT TERMS AND CONDITIONS APPLICABLE TO THE PROCUREMENT. THE UNIVERSITY SHALL INCLUDE REQUIREMENTS TO DETERMINE THE RESPONSIBILITY AND RESPONSIVENESS OF EACH BID WHICH MAY INCLUDE CRITERIA REQUIREMENTS TO DETERMINE ACCEPTABILITY, SUCH AS INSPECTION, TESTING, QUALITY, CERTIFICATIONS,
WORKMANSHIP, DELIVERY AND SUITABILITY FOR A PARTICULAR PURPOSE.

3. ADEQUATE PUBLIC NOTICE OF THE INVITATION FOR BIDS SHALL BE GIVEN A REASONABLE TIME BEFORE THE DATE SET FORTH IN THE INVITATION FOR THE OPENING OF BIDS AND IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES, IF ANY. THE NOTICE MAY INCLUDE PUBLICATION ONE OR MORE TIMES IN A NEWSPAPER OF GENERAL CIRCULATION A REASONABLE TIME BEFORE BID OPENING. IF THE INVITATION FOR BIDS IS FOR THE PROCUREMENT OF SERVICES OTHER THAN CMAR SERVICES, DB SERVICES, DESIGN SERVICES, OR THOSE SERVICES DESCRIBED IN ABOR POLICY 3-803D BELOW, THE NOTICE SHALL INCLUDE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THIS STATE. THE PUBLICATION SHALL BE NOT LESS THAN TWO WEEKS BEFORE BID OPENING. THE NOTICE MAY ALSO BE POSTED AT A DESIGNATED SITE ON THE INTERNET.


EXCEPT AS PROVIDED FOR HEREIN, THE PROCUREMENT FILE SHALL NOT BE OPEN FOR PUBLIC INSPECTION UNTIL AFTER A CONTRACT IS EXECUTED. AFTER A CONTRACT IS
EXECUTED, THE PROCUREMENT FILE SHALL BE OPEN TO PUBLIC INSPECTION SUBJECT TO ANY CONTINUING PROHIBITION ON THE DISCLOSURE OF CONFIDENTIAL DATA.

5. BIDS SHALL BE UNCONDITIONALLY ACCEPTED WITHOUT ALTERATION OR CORRECTION, EXCEPT AS AUTHORIZED IN THIS CODE. BIDS SHALL BE EVALUATED BASED ON THE REQUIREMENTS SET FORTH IN THE INVITATION FOR BIDS. THE UNIVERSITY MAY INCLUDE REQUIREMENTS TO DETERMINE ACCEPTABILITY, SUCH AS INSPECTION, TESTING, QUALITY, CERTIFICATIONS, WORKMANSHIP, DELIVERY, SUITABILITY FOR A PARTICULAR PURPOSE, AND STANDARDS FOR RESPONSIBILITY AND RESPONSIVENESS. THE INVITATION FOR BIDS SHALL SET FORTH THE EVALUATION CRITERIA, INCLUDING THE WEIGHTING OF IDENTIFIED CRITERIA. EVALUATION CRITERIA SHALL NOT BE USED FOR INVITATIONS FOR BID FOR CONSTRUCTION AND NO CRITERIA MAY BE USED IN EVALUATING BIDS THAT ARE NOT SET FORTH IN THE INVITATION FOR BIDS.

6. CORRECTION OR WITHDRAWAL OF ERRONEOUS BIDS BEFORE OR AFTER BID OPENING, BASED ON BID MISTAKES, MAY BE PERMITTED BY THE PROCUREMENT OFFICER IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES. AFTER BID OPENING, NO CORRECTIONS IN BID PRICES OR OTHER PROVISIONS OF BIDS PREJUDICIAL TO THE INTERESTS OF A UNIVERSITY OR FAIR COMPETITION SHALL BE PERMITTED. EXCEPT AS OTHERWISE PROVIDED BY THIS CODE, ALL DECISIONS TO PERMIT THE CORRECTION OR WITHDRAWAL OF BIDS, OR TO CANCEL AWARDS OR CONTRACTS BASED ON BID MISTAKES, SHALL BE SUPPORTED BY A WRITTEN DETERMINATION MADE BY THE PROCUREMENT OFFICER. MISTAKES SHALL NOT BE CORRECTED AFTER THE AWARD OF THE CONTRACT.

7. THE CONTRACT SHALL BE AWARDED TO THE RESPONSIBLE AND RESPONSIVE BIDDER SUBMITTING THE LOWEST PRICE (THE “LOW RESPONSIVE AND RESPONSIBLE BIDDER”). THE AMOUNT OF ANY APPLICABLE TRANSACTION PRIVILEGE OR USE TAX OF A POLITICAL SUBDIVISION OF ARIZONA IS NOT A FACTOR IN DETERMINING THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER. IF ALL BIDS FOR A CONSTRUCTION PROCUREMENT EXCEED AVAILABLE MONIES AS CERTIFIED BY THE APPROPRIATE FISCAL OFFICER, AND THE LOW RESPONSIVE AND RESPONSIBLE BID DOES NOT EXCEED

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SUCH MONIES BY MORE THAN 10 PERCENT, THE PROCUREMENT OFFICER MAY, IN SITUATIONS IN WHICH TIME OR ECONOMIC CONSIDERATIONS PRECLUDE RESOLICITATION OF WORK OR A REDUCED SCOPE, NEGOTIATE AN ADJUSTMENT OF THE BID PRICE, INCLUDING CHANGES IN THE BID REQUIREMENTS, WITH THE LOW RESPONSIVE AND RESPONSIBLE BIDDER, TO BRING THE BID WITHIN THE AMOUNT OF AVAILABLE MONIES.

8. THE MULTI-STEP SEALED BIDDING METHOD MAY BE USED IF IT IS NOT PRACTICAL TO INITIALLY PREPARE A DEFINITIVE PURCHASE DESCRIPTION THAT IS SUITABLE TO PERMIT AN AWARD BASED ON COMPETITIVE SEALED BIDDING. AN INVITATION FOR BIDS MAY BE ISSUED REQUESTING THE SUBMISSION OF TECHNICAL OFFERS TO BE FOLLOWED BY AN INVITATION FOR BIDS LIMITED TO THOSE BIDDERS WHOSE OFFERS ARE DETERMINED TO BE REASONABLY SUSCEPTIBLE TO BEING SELECTED FOR AN AWARD UNDER THE CRITERIA SET FORTH IN THE FIRST SOLICITATION, EXCEPT THAT THE MULTISTEP SEALED BIDDING METHOD MAY NOT BE USED FOR CONSTRUCTION CONTRACTS.

9. IF THE PRICE OF A RECYCLED PAPER PRODUCT THAT CONFORMS TO SPECIFICATIONS IS WITHIN 5 PERCENT OF A LOW BID PRODUCT THAT IS NOT RECYCLED AND THE RECYCLED PRODUCT BIDDER IS OTHERWISE THE LOWEST RESPONSIBLE AND RESPONSIBLE BIDDER, THE AWARD SHALL BE MADE TO THE BIDDER OFFERING THE RECYCLED PRODUCT. THE CPO MAY INCLUDE IN THE UNIVERSITY POLICIES AND PROCEDURES RULES REQUIRING A 5 PERCENT PREFERENCE FOR OTHER PRODUCTS MADE FROM RECYCLED MATERIALS.

B. COMPETITIVE SEALED PROPOSALS

1. A CONTRACT FOR MATERIALS OR SERVICES MAY BE PROCURED BY COMPETITIVE SEALED PROPOSALS. THIS SUBSECTION DOES NOT APPLY TO PROCUREMENT OF CONSTRUCTION, CONSTRUCTION SERVICES, DESIGN SERVICES OR PROFESSIONAL SERVICES, WHICH SHALL BE PROCURED AS PRESCRIBED IN ABOR POLICY 3-804.

2. PROPOSALS SHALL BE SOLICITED THROUGH A REQUEST FOR PROPOSALS.

3. ADEQUATE PUBLIC NOTICE OF THE REQUEST FOR
PROPOSALS SHALL BE GIVEN IN THE SAME MANNER AS PROVIDED IN ABOR POLICY 3-803A.3


EXCEPT AS PROVIDED FOR HEREIN, THE PROCUREMENT FILE SHALL NOT BE OPEN FOR PUBLIC INSPECTION UNTIL AFTER A CONTRACT IS EXECUTED. AFTER A CONTRACT IS EXECUTED, THE PROCUREMENT FILE SHALL BE OPEN TO PUBLIC INSPECTION, SUBJECT TO ANY CONTINUING PROHIBITION ON THE DISCLOSURE OF CONFIDENTIAL DATA.

5. THE REQUEST FOR PROPOSALS SHALL STATE ALL OF THE EVALUATION FACTORS, INCLUDING PRICE, AND THEIR RELATIVE IMPORTANCE. SPECIFIC NUMERICAL WEIGHTING IS NOT REQUIRED, BUT MAY BE USED.

6. AS PROVIDED IN THE REQUEST FOR PROPOSALS, AND PURSUANT TO UNIVERSITY POLICIES AND PROCEDURES, DISCUSSIONS MAY BE CONDUCTED WITH RESPONSIBLE PROPOSERS WHO SUBMIT PROPOSALS DETERMINED TO BE REASONABLY SUSCEPTIBLE TO BEING SELECTED FOR AWARD FOR THE PURPOSE OF CLARIFICATION TO ASSURE FULL UNDERSTANDING OF, AND RESPONSIVENESS TO, THE SOLICITATION REQUIREMENTS. PROPOSERS SHALL BE ACCORDED FAIR TREATMENT WITH RESPECT TO ANY
OPPORTUNITY FOR DISCUSSION AND REVISION OF PROPOSALS, AND SUCH REVISIONS MAY BE PERMITTED AFTER SUBMISSIONS AND BEFORE AWARD FOR THE PURPOSE OF OBTAINING FINAL PROPOSAL REVISIONS. IF DISCUSSIONS ARE CONDUCTED, ALL PROPOSERS WHO HAVE SUBMITTED PROPOSALS THAT ARE DETERMINED BY THE PROCUREMENT OFFICER TO BE REASONABLY SUSCEPTIBLE TO BEING SELECTED FOR AWARD SHALL BE INVITED TO SUBMIT A FINAL PROPOSAL REVISION. IN CONDUCTING DISCUSSIONS, THERE SHALL BE NO DISCLOSURE OF ANY INFORMATION DERIVED FROM PROPOSALS SUBMITTED BY COMPETING PROPOSERS. THE AWARD SHALL BE MADE TO THE RESPONSIVE AND RESPONSIBLE PROPOSERS WHOSE PROPOSAL IS DETERMINED TO BE THE MOST ADVANTAGEOUS TO A UNIVERSITY, TAKING INTO CONSIDERATION THE EVALUATION FACTORS SET FORTH IN THE REQUEST FOR PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE USED IN THE EVALUATION. THE AMOUNT OF ANY APPLICABLE TRANSACTION PRIVILEGE OR USE TAX OF A POLITICAL SUBDIVISION OF ARIZONA IS NOT A FACTOR IN DETERMINING THE MOST ADVANTAGEOUS PROPOSAL. THE PROCUREMENT FILE SHALL CONTAIN A WRITTEN DETERMINATION SHOWING THE BASIS ON WHICH THE AWARD IS MADE.

7. NOTWITHSTANDING ANY OTHER PROVISION IN THE UNIVERSITY PROCUREMENT CODE, A CONTRACT FOR THE SERVICES OF ANY FINANCIAL CONSULTANT UNDER CIRCUMSTANCES NOT COVERED IN ABOR POLICY 3-803D SHALL BE AWARDED THROUGH COMPETITIVE SEALED PROPOSALS.

   a. PROSPECTIVE FINANCIAL CONSULTANTS MAY BE PREQUALIFIED PURSUANT TO ABOR POLICY 3-803.E.3 THE UNIVERSITIES MAY USE A UNIFORM QUESTIONNAIRE FOR THIS PURPOSE.

   b. FOR ANY SUCH CONTRACT, A UNIVERSITY MAY USE ANOTHER METHOD OF PROCUREMENT CONSISTENT WITH THIS CODE UPON PRIOR APPROVAL OF THE BOARD.

C. EXCEPTIONS TO COMPETITIVE SELECTION

1. PROCUREMENT NOT EXCEEDING ONE HUNDRED
THOUSAND DOLLARS ($100,000)

a. ANY PROCUREMENT, OTHER THAN A PROCUREMENT FOR CONSTRUCTION, THAT DOES NOT EXCEED THE AGGREGATE DOLLAR AMOUNT OF ONE HUNDRED THOUSAND DOLLARS ($100,000), MAY BE MADE IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES, WHICH SHALL PROVIDE THAT SUCH PROCUREMENTS WILL BE MADE WITH SUCH COMPETITION AS IS PRACTICABLE UNDER THE CIRCUMSTANCES. ANY PROCUREMENT THAT DOES NOT EXCEED THE AGGREGATE DOLLAR AMOUNT OF ONE HUNDRED THOUSAND DOLLARS ($100,000) SHALL BE RESTRICTED, IF PRACTICABLE, TO SMALL BUSINESSES. THE PROCUREMENT OFFICER SHALL ROTATE THE SMALL BUSINESSES SOLICITED TO COMPETE FOR ANY PROCUREMENT OF ONE HUNDRED THOUSAND DOLLARS ($100,000) OR LESS. IF IT IS IMPRACTICABLE TO RESTRICT A PARTICULAR PROCUREMENT TO SMALL BUSINESSES, THE PROCUREMENT OFFICER MUST MAKE A DETERMINATION SETTING FORTH THE REASONS AND PLACE IT IN THE PROCUREMENT FILE.

b. PROCUREMENT REQUIREMENTS SHALL NOT BE ARTIFICIALLY DIVIDED OR FRAGMENTED SO AS TO CONSTITUTE A PROCUREMENT UNDER THIS SUBSECTION AND TO CIRCUMVENT THE SOURCE SELECTION PROCEDURES REQUIRED BY THE CODE. A PROCUREMENT INVOLVING CONSTRUCTION NOT EXCEEDING ONE HUNDRED THOUSAND DOLLARS ($100,000) MAY BE MADE PURSUANT TO ABOR POLICY 3-803C.6.

2. SOLE SOURCE PROCUREMENT

A CONTRACT MAY BE AWARDED FOR A MATERIAL, SERVICE, CONSTRUCTION, OR CONSTRUCTION SERVICE WITHOUT COMPETITION IF THE PROCUREMENT OFFICER DETERMINES IN WRITING THAT THERE IS ONLY ONE SOURCE FOR THE REQUIRED MATERIAL, SERVICE, CONSTRUCTION, OR CONSTRUCTION SERVICE. THE PROCUREMENT OFFICER MAY REQUIRE THE SUBMISSION OF COST OR PRICING DATA IN CONNECTION WITH AN AWARD UNDER THIS SUBSECTION. SOLE SOURCE PROCUREMENT SHALL BE AVOIDED EXCEPT WHEN NO
REASONABLE ALTERNATIVE SOURCE EXISTS. A WRITTEN DETERMINATION OF THE BASIS FOR THE SOLE SOURCE PROCUREMENT SHALL BE INCLUDED IN THE PROCUREMENT FILE.

3. EMERGENCY PROCUREMENTS

NOTWITHSTANDING ANY OTHER PROVISIONS OF THE CODE, A UNIVERSITY PRESIDENT, THE CPO OR THE PRESIDENT’S DESIGNEE MAY MAKE EMERGENCY PROCUREMENTS IF THERE EXISTS A CONDITION THAT SERIOUSLY THREATENS PUBLIC HEALTH, WELFARE, SAFETY, OR UNIVERSITY PROPERTY, OR IF A SITUATION EXISTS WHICH MAKES COMPLIANCE WITH ABOR POLICIES 3-803B, 3-803C, OR 3-804B IMPrACTIBLE, UNNECESSARY OR CONTRARY TO THE PUBLIC INTEREST, AS DEFINED IN UNIVERSITY POLICIES AND PROCEDURES. EMERGENCY PROCUREMENTS SHALL BE MADE WITH SUCH COMPETITION AS IS PRACTICABLE UNDER THE CIRCUMSTANCES. A WRITTEN DETERMINATION OF THE BASIS FOR THE EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR SHALL BE INCLUDED IN THE PROCUREMENT FILE.

4. PROCUREMENT OF LIVESTOCK, ANIMALS, FEED, ETC.

THE PROCUREMENT OFFICER SHALL BE AUTHORIZED TO PURCHASE LIVESTOCK, ANIMALS, AND FEED THROUGH “ORDER BUYERS” WHO MAY ATTEND AUCTIONS IN ORDER TO PURCHASE CATTLE THAT MEET AGREED UPON SIZE AND OTHER SPECIFICATIONS AND BASED UPON THE CURRENT MARKET VALUE OF THE CATTLE AT THE TIME OF PURCHASE.

5. PROCUREMENT OF MATERIAL AT AUCTION OR AT COMMODITY INDEX - EXCLUDING REAL PROPERTY

THE PROCUREMENT OFFICER SHALL BE AUTHORIZED TO PURCHASE MATERIALS WHERE THE PRICE OF THE MATERIALS IS ESTABLISHED BY AUCTION OR BY A RECOGNIZED, PUBLISHED COMMODITY INDEX, AND WHERE IT IS DETERMINED THAT COMPETITIVE BIDDING IS NOT PRACTICABLE. NOTWITHSTANDING THIS PROVISION, REAL PROPERTY MUST BE PURCHASED IN ACCORDANCE WITH THE REQUIREMENTS OF ABOR POLICY 7-203 AND MUST BE LEASED IN ACCORDANCE WITH THE REQUIREMENTS OF
6. SIMPLIFIED CONSTRUCTION PROCUREMENT PROGRAM

A PROCUREMENT INVOLVING CONSTRUCTION NOT EXCEEDING ONE HUNDRED THOUSAND DOLLARS ($100,000) MAY BE MADE PURSUANT TO UNIVERSITY POLICIES AND PROCEDURES AND SHALL BE KNOWN AS THE SIMPLIFIED CONSTRUCTION PROCUREMENT PROGRAM. AT A MINIMUM, THE UNIVERSITY POLICIES AND PROCEDURES SHALL REQUIRE THAT:

a. A LIST BE MAINTAINED OF PRE-QUALIFIED PERSONS WHO DESIRE TO RECEIVE INVITATIONS TO BID ON SIMPLIFIED CONSTRUCTION PROJECTS; ADDITIONS SHALL BE PERMITTED THROUGHOUT THE YEAR.

b. THE LIST OF PERSONS BE AVAILABLE FOR PUBLIC INSPECTION.

c. CONTRACTS BE ON FORMS APPROVED BY THE CPO.

d. ALL INFORMATION SUBMITTED BY BIDDERS PURSUANT TO THIS SECTION BE CONFIDENTIAL.

e. ALL BIDS BE OPENED AT A PUBLIC OPENING.

f. ALL PERSONS DESIRING TO SUBMIT BIDS BE TREATED EQUITABLY AND THE INFORMATION RELATED TO EACH PROJECT BE AVAILABLE TO ALL ELIGIBLE PERSONS.

g. COMPETITION BE ENCOURAGED TO THE MAXIMUM EXTENT POSSIBLE.

7. RECORD OF PROCUREMENT ACTIONS

EACH UNIVERSITY CPO SHALL MAINTAIN A RECORD LISTING ALL SOLE SOURCE AND EMERGENCY PROCUREMENTS IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS ($100,000) FOR A MINIMUM OF FIVE (5) YEARS. THE RECORDS SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND SHALL CONTAIN:

a. EACH CONTRACTOR'S NAME.
b. THE AMOUNT AND TYPE OF EACH CONTRACT.

c. A LISTING OF THE MATERIALS, SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES PROCURED FOR EACH CONTRACT.

D. COMPETITIVE SELECTION PROCESS FOR CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, FINANCIAL ADVISORS AND CONSULTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL

1. THE SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, FINANCIAL ADVISORS AND CONSULTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL SHALL BE PROCURED IN ACCORDANCE WITH THIS SUBSECTION, EXCEPT AS AUTHORIZED UNDER ABOR POLICY 3-803C

2. PERSONS ENGAGED IN PROVIDING THE SERVICES SPECIFIED IN ABOR POLICY 3-803D.1 ABOVE MAY SUBMIT STATEMENTS OF QUALIFICATIONS AND EXPRESSIONS OF INTEREST IN PROVIDING SUCH TYPES OF SERVICES. THE PROCUREMENT OFFICER MAY SPECIFY A UNIFORM FORMAT FOR STATEMENTS OF QUALIFICATIONS. PERSONS WHO HAVE SUBMITTED A STATEMENT OF QUALIFICATIONS MAY AT ANY TIME SUBMIT ADDITIONAL INFORMATION OR CHANGE INFORMATION THAT WAS PREVIOUSLY SUBMITTED.

3. ADEQUATE NOTICE OF THE NEED FOR SUCH SERVICES SHALL BE GIVEN BY THE PROCUREMENT OFFICER THROUGH A REQUEST FOR PROPOSALS. THE REQUEST FOR PROPOSALS SHALL DESCRIBE THE SERVICES REQUIRED AND LIST THE TYPE OF INFORMATION AND DATA REQUIRED OF EACH PROPOSER.

4. THE SELECTION COMMITTEE OR PROCUREMENT OFFICER MAY CONDUCT DISCUSSIONS WITH ANY PROPOSER WHO SUBMITS A PROPOSAL TO DETERMINE THE PROPOSER'S QUALIFICATIONS FOR FURTHER CONSIDERATION. DISCUSSIONS SHALL NOT DISCLOSE ANY INFORMATION DERIVED FROM PROPOSALS SUBMITTED BY OTHER PROPOSERS.

5. THE AWARD SHALL BE MADE TO THE PROPOSER DETERMINED IN WRITING BY THE SELECTION COMMITTEE TO BE BEST QUALIFIED BASED ON THE EVALUATION FACTORS SET FORTH IN THE REQUEST FOR PROPOSALS.
AND AFTER A WRITTEN DETERMINATION THAT THE COMPENSATION IS FAIR AND REASONABLE, SELECTION MAY BE MADE PURSUANT TO THE PROVISIONS OF THIS ABOR POLICY 3-803D WITHOUT REQUIRING PRICED PROPOSALS, BUT IF PRICE IS INCLUDED IN PROPOSALS SUBMITTED, NO CONTRACT MAY BE AWARDED SOLELY ON THE BASIS OF PRICE. WRITTEN NOTICE OF AWARD SHALL BE PUBLIC INFORMATION AND MADE PART OF THE PROCUREMENT FILE.

6. NO CONTRACT FOR THE SERVICES OF LEGAL COUNSEL SHALL BE AWARDED WITHOUT THE PRIOR APPROVAL OF THE BOARD, THE BOARD'S GENERAL COUNSEL, OR GENERAL COUNSEL TO THE UNIVERSITY.

7. ABOR POLICY 3-803D SHALL NOT PRECLUDE ANY UNIVERSITY OR THE BOARD FROM EMPLOYING PROFESSIONAL PERSONNEL AS EMPLOYEES OF THE BOARD OR A UNIVERSITY UNDER THE APPLICABLE CONDITIONS OF SERVICE POLICIES MAINTAINED BY THE BOARD.

E. ADDITIONAL PROVISIONS RELATED TO SOURCE SELECTION

1. AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR OTHER SOLICITATION MAY BE CANCELED OR ANY BIDS OR OFFERS MAY BE REJECTED IN WHOLE OR IN PART AS MAY BE SPECIFIED IN THE SOLICITATION IF IT IS IN THE BEST INTEREST OF THE UNIVERSITY. THE REASONS FOR THE CANCELLATION OR REJECTION SHALL BE MADE A PART OF THE PROCUREMENT FILE.

2. RESPONSIBILITY OF BIDDERS AND OFFERORS

a. A BIDDER OR OFFEROR MAY BE REQUIRED TO PROVIDE WRITTEN CERTIFICATION OF COMPLIANCE WITH APPLICABLE ARIZONA LICENSING REQUIREMENTS WITH THE SUBMISSION OF A BID OR OFFER.

b. A WRITTEN DETERMINATION OF NONRESPONSIBILITY OF A BIDDER OR OFFEROR SHALL BE MADE IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES. THE UNREASONABLE FAILURE OF A BIDDER OR OFFEROR TO PROMPTLY SUPPLY
INFORMATION IN CONNECTION WITH AN INQUIRY WITH RESPECT TO RESPONSIBILITY SHALL BE GROUNDS FOR A DETERMINATION OF NONRESPONSIBILITY WITH RESPECT TO THE BIDDER OR OFFEROR. A FINDING OF NONRESPONSIBILITY SHALL NOT BE CONSTRUED AS A VIOLATION OF THE RIGHTS OF ANY PERSON.

c. EXCEPT FOR THE CERTIFICATION REQUIRED IN ABOR POLICY 3-803E.2.A, ABOVE, INFORMATION FURNISHED BY A BIDDER OR OFFEROR PURSUANT TO THIS ABOR POLICY 3-803E.2 MAY ONLY BE DISCLOSED WITH PRIOR WRITTEN CONSENT OF THE BIDDER OR OFFEROR EXCEPT TO LAW ENFORCEMENT AGENCIES.

3. PROSPECTIVE CONTRACTORS MAY BE PREQUALIFIED FOR PARTICULAR TYPES OF MATERIALS, SERVICES, CONSTRUCTION, AND CONSTRUCTION SERVICES. PROSPECTIVE CONTRACTORS HAVE A CONTINUING DUTY TO PROVIDE THE UNIVERSITY WITH INFORMATION ON ANY MATERIAL CHANGE AFFECTING THE BASIS OF THEIR PREQUALIFICATION. SOLICITATION MAILING LISTS OF POTENTIAL CONTRACTORS SHALL INCLUDE THE PREQUALIFIED PROSPECTIVE CONTRACTORS. A PROSPECTIVE CONTRACTOR MAY NOT BE DENIED AWARD OF A CONTRACT SIMPLY BECAUSE SUCH PROSPECTIVE CONTRACTOR WAS NOT PREQUALIFIED. THE FACT THAT A PROSPECTIVE CONTRACTOR HAS BEEN PREQUALIFIED DOES NOT NECESSARILY REPRESENT A FINDING OF RESPONSIBILITY.


5. COST AND PRICING DATA
a. THE SUBMISSION OF CURRENT COST OR PRICING DATA MAY BE REQUIRED IN CONNECTION WITH AN AWARD IN SITUATIONS IN WHICH ANALYSIS OF THE PROPOSED PRICE IS ESSENTIAL TO DETERMINE THAT THE PRICE IS REASONABLE AND FAIR. A PROPOSER SHALL, EXCEPT AS OTHERWISE PROVIDED IN ABOR POLICY 3-803E.5.C. BELOW, SUBMIT CURRENT COST OR PRICING DATA AND SHALL CERTIFY THAT, TO THE BEST OF THE PROPOSER’S KNOWLEDGE AND BELIEF, THE COST OR PRICING DATA SUBMITTED WAS ACCURATE, COMPLETE AND CURRENT AS OF A MUTUALLY DETERMINED SPECIFIED DATE BEFORE THE DATE OF EITHER:

(1) THE PRICING OF ANY CONTRACT AWARDED BY COMPETITIVE SEALED PROPOSALS OR PURSUANT TO THE SOLE SOURCE PROCUREMENT AUTHORITY, IF THE TOTAL CONTRACT PRICE IS EXPECTED TO EXCEED AN AMOUNT ESTABLISHED BY UNIVERSITY POLICIES AND PROCEDURES; OR

(2) THE PRICING OF ANY CHANGE ORDER OR CONTRACT MODIFICATION WHICH IS EXPECTED TO EXCEED AN AMOUNT ESTABLISHED BY UNIVERSITY PROCEDURES.

b. ANY CONTRACT, CHANGE ORDER OR CONTRACT MODIFICATION UNDER WHICH A CERTIFICATE IS REQUIRED PURSUANT TO SUBSECTION A. OF THIS ABOR POLICY 3-803E.5, SHALL CONTAIN A PROVISION THAT THE PRICE TO THE UNIVERSITY SHALL BE ADJUSTED TO EXCLUDE ANY SIGNIFICANT AMOUNTS BY WHICH THE UNIVERSITY FINDS THAT THE PRICE WAS INCREASED BECAUSE THE PROPOSER FURNISHED COST OR PRICING DATA WHICH WAS INACCURATE, INCOMPLETE OR NOT CURRENT AS OF THE DATE AGREED ON BETWEEN THE PARTIES. SUCH ADJUSTMENT BY THE UNIVERSITY MAY INCLUDE PROFIT OR FEE.

c. THE REQUIREMENTS OF THIS ABOR POLICY 3-803E.5 NEED NOT BE APPLIED TO CONTRACTS IF ANY OF THE FOLLOWING APPLY:

(1) THE CONTRACT PRICE IS BASED ON ADEQUATE
PRICE COMPETITION.

(2) THE CONTRACT PRICE IS BASED ON ESTABLISHED CATALOG PRICES OR MARKET PRICES.

(3) CONTRACT PRICES ARE SET BY LAW OR POLICY.

(4) CONTRACT PRICE IS SUPPORTED BY RELEVANT, HISTORICAL PRICE DATA.

(5) IT IS DETERMINED IN WRITING IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES THAT THE REQUIREMENTS OF THIS SUBSECTION MAY BE WAIVED, AND THE REASONS FOR THE WAIVER ARE STATED IN WRITING.

F. CONTRACT TYPES AND TERMS

1. TYPES OF CONTRACTS. SUBJECT TO THE LIMITATIONS OF THIS PARAGRAPH, ANY TYPE OF CONTRACT THAT WILL PROMOTE THE BEST INTERESTS OF THE UNIVERSITY MAY BE USED, EXCEPT THAT THE USE OF A COST-PLUS-A-PERCENTAGE-OF-COST CONTRACT IS PROHIBITED.

2. COST ALLOCATION. EXCEPT WITH RESPECT TO FIRM-PRICE CONTRACTS, NO CONTRACT TYPE MAY BE USED UNLESS IT IS DETERMINED IN WRITING BY THE PROCUREMENT OFFICER THAT THE PROPOSED CONTRACTOR'S ACCOUNTING SYSTEM IS ADEQUATE TO ALLOCATE COSTS.

3. MULTI-TERM CONTRACTS

a. UNLESS OTHERWISE PROVIDED BY LAW, A CONTRACT FOR MATERIALS, SERVICES, OR JOC CONSTRUCTION SERVICES MAY BE ENTERED INTO FOR A PERIOD OF TIME UP TO FIVE (5) YEARS AS DETERMINED TO BE IN THE BEST INTEREST OF A UNIVERSITY, IF THE TERM OF THE CONTRACT AND CONDITIONS OF RENEWAL OR EXTENSION, IF ANY, ARE INCLUDED IN THE SOLICITATION AND MONIES ARE AVAILABLE FOR THE FIRST FISCAL PERIOD AT THE TIME OF CONTRACTING. A CONTRACT MAY BE ENTERED INTO FOR MATERIALS OR SERVICES FOR A PERIOD OF TIME EXCEEDING
FIVE (5) YEARS IF THE CPO DETERMINES IN WRITING THAT SUCH A CONTRACT WOULD BE ADVANTAGEOUS TO THE UNIVERSITY. PAYMENT AND PERFORMANCE OBLIGATIONS FOR SUCCEEDING FISCAL PERIODS ARE SUBJECT TO THE AVAILABILITY AND APPROPRIATION OF MONIES.

b. BEFORE THE USE OF A MULTI-TERM CONTRACT, IT SHALL BE DETERMINED IN WRITING BY THE PROCUREMENT OFFICER THAT:

(1) ESTIMATED REQUIREMENTS COVER THE PERIOD OF THE CONTRACT AND ARE REASONABLE AND CONTINUING.

(2) SUCH A CONTRACT WILL SERVE THE BEST INTERESTS OF THE UNIVERSITY BY ENCOURAGING EFFECTIVE COMPETITION OR OTHERWISE PROMOTING ECONOMIES IN UNIVERSITY PROCUREMENT.

c. IF MONIES ARE NOT APPROPRIATED OR OTHERWISE MADE AVAILABLE TO SUPPORT CONTINUATION OF PERFORMANCE IN A SUBSEQUENT FISCAL PERIOD, THE CONTRACT SHALL BE CANCELED AND THE CONTRACTOR MAY ONLY BE REIMBURSED FOR THE REASONABLE VALUE OF ANY NONRECURRING COSTS INCURRED BUT NOT AMORTIZED IN THE PRICE OF THE MATERIALS, SERVICES OR JOINT CONSTRUCTION SERVICES DELIVERED UNDER THE CONTRACT OR WHICH ARE OTHERWISE NOT RECOVERABLE. THE COST OF CANCELLATION MAY BE PAID FROM ANY APPROPRIATIONS AVAILABLE FOR SUCH PURPOSE.

G. INSPECTION. A UNIVERSITY MAY, AT REASONABLE TIMES, INSPECT THE PART OF THE PLANT OR PLACE OF BUSINESS OF A CONTRACTOR OR ANY SUBCONTRACTOR WHICH IS RELATED TO THE PERFORMANCE OF ANY CONTRACT AWARDED OR TO BE AWARDED BY A UNIVERSITY.

H. RIGHT TO AUDIT RECORDS

1. A UNIVERSITY MAY, AT REASONABLE TIMES AND PLACES, AUDIT THE BOOKS AND RECORDS OF ANY PERSON WHO SUBMITS COST OR PRICING DATA TO THE EXTENT THAT THE BOOKS AND RECORDS RELATE TO THE COST OR
PRICING DATA. ANY PERSON WHO RECEIVES A CONTRACT, CHANGE ORDER, OR CONTRACT MODIFICATION FOR WHICH COST OR PRICING DATA IS REQUIRED SHALL MAINTAIN THE BOOKS AND RECORDS THAT RELATE TO THE COST OR PRICING DATA FOR FIVE (5) YEARS FROM THE DATE OF FINAL PAYMENT UNDER THE CONTRACT.

2. A UNIVERSITY IS ENTITLED TO AUDIT THE BOOKS AND RECORDS OF A CONTRACTOR OR ANY SUBCONTRACTOR UNDER ANY CONTRACT OR SUBCONTRACT TO THE EXTENT THAT THE BOOKS AND RECORDS RELATE TO THE PERFORMANCE OF THE CONTRACT OR SUBCONTRACT. THE BOOKS AND RECORDS SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF FINAL PAYMENT UNDER THE PRIME CONTRACT AND BY THE SUBCONTRACTOR FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF FINAL PAYMENT UNDER THE SUBCONTRACT.

I. REPORTING OF ANTICOMPETITIVE PRACTICES. IF FOR ANY REASON COLLUSION OR OTHER ANTICOMPETITIVE PRACTICES ARE SUSPECTED AMONG ANY BIDDERS OR OFFERORS, A NOTICE OF THE RELEVANT FACTS SHALL BE TRANSMITTED TO THE UNIVERSITY LEGAL COUNSEL AND TO THE COUNSEL FOR THE BOARD, WHO SHALL INFORM THE ATTORNEY GENERAL AND TAKE OTHER SUCH ACTION AS MAY BE APPROPRIATE.

J. RETENTION OF PROCUREMENT RECORDS. ALL UNIVERSITY AND BOARD PROCUREMENT RECORDS SHALL BE RETAINED AND DISPOSED OF IN ACCORDANCE WITH RECORDS RETENTION GUIDELINES AND SCHEDULES APPROVED BY THE STATE DEPARTMENT OF LIBRARY, ARCHIVES AND PUBLIC RECORDS.

K. PUBLIC-PRIVATE TECHNOLOGY FINANCING PARTNERSHIP CONTRACTS

1. UNIVERSITY MAY ENTER INTO PUBLIC-PRIVATE PARTNERSHIP CONTRACTS TO FINANCE THE TECHNOLOGY NEEDS OF THE UNIVERSITY. THE FUNDING FOR SERVICES UNDER A PUBLIC-PRIVATE PARTNERSHIP CONTRACT ENTERED INTO PURSUANT TO THIS ABOR POLICY 3-803K SHALL BE CONTINGENT ON AND COMPUTED ACCORDING TO ESTABLISHED PERFORMANCE STANDARDS AND SHALL BE ATTRIBUTABLE TO THE SUCCESSFUL IMPLEMENTATION OF THE TECHNOLOGY PROGRAM FOR THE PERIOD SPECIFIED IN THE CONTRACT. A UNIVERSITY MAY ISSUE REQUESTS
FOR INFORMATION AND REQUESTS FOR PROPOSALS TO SOLICIT PRIVATE PARTNERS THAT ARE INTERESTED IN PROVIDING PROGRAMS UNDER A CONTRACT ENTERED INTO PURSUANT TO THIS SECTION.

2. EACH REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS ABOR POLICY 3-803K SHALL REQUIRE EACH PRIVATE PARTNER TO PROPOSE SPECIFIC PERFORMANCE IMPROVEMENTS AND MEASUREMENT APPROACHES TO BE USED TO MEASURE THE VALUE DELIVERED BY THE PRIVATE PARTNER TECHNOLOGY SOLUTION. THE UNIVERSITY SHALL INCLUDE AN ASSESSMENT OF THE PROPOSED VALUE OF THE PRIVATE PARTNER TECHNOLOGY SOLUTION IN ITS EVALUATION CRITERIA TO SELECT THE BEST VALUE SOLUTION FOR THE UNIVERSITY.

3. A CONTRACT ENTERED INTO BETWEEN A UNIVERSITY AND AN AUTOMATED SYSTEMS PRIVATE PARTNER SHALL PROVIDE FOR PAYMENT OF FEES ON A CONTRACTUALLY SPECIFIC AMOUNT BASED ON THE ACHIEVEMENT OF MEASURED PERFORMANCE IMPROVEMENTS THAT ARE MUTUALLY AGREED TO BY THE CONTRACTOR AND THE UNIVERSITY AND MONIES FOR PAYMENT OF THESE FEES ARE NOT SUBJECT TO LEGISLATIVE APPROPRIATION. THE FOLLOWING ARE SUBJECT TO REVIEW AND APPROVAL BY THE CHIEF PROCUREMENT OFFICER OR HIS OR HER DESIGNEE:

a. THE TERMS OF CONTRACTS RELATING TO THE MEASUREMENT OF THE PERFORMANCE IMPROVEMENT ATTRIBUTABLE TO THE PRIVATE PARTNER TECHNOLOGY PROGRAM.

b. PAYMENT OF FEES BASED ON THE ACHIEVEMENT OF THE ESTABLISHED PERFORMANCE MEASURES.
A. PROJECT DELIVERY METHODS

1. A UNIVERSITY MAY PROCURE PROFESSIONAL SERVICES, CONSTRUCTION AND CONSTRUCTION SERVICES, AS APPLICABLE, UNDER ANY OF THE FOLLOWING PROJECT DELIVERY METHODS:

   a. DESIGN-BID-BUILD (DBB).
   b. CONSTRUCTION-MANAGER-AT-RISK (CMAR).
   c. DESIGN-BUILD (DB).
   d. JOB-ORDER-CONTRACTING (JOC).

2. CONSTRUCTION, CONSTRUCTION SERVICES AND PROFESSIONAL SERVICES FOR CMAR, DB AND JOC PROJECT DELIVERY METHODS SHALL BE PROCURED IN ACCORDANCE WITH SECTION 3-804B OF THIS CODE, EXCEPT FOR PROCUREMENTS NOT EXCEEDING ONE HUNDRED THOUSAND DOLLARS ($100,000), EMERGENCY PROCUREMENTS AND SIMPLIFIED CONSTRUCTION PROCUREMENTS WHICH ARE SUBJECT TO THE APPLICABLE PROVISIONS OF 3-803C.

3. FOR THE DBB PROJECT DELIVERY METHOD, THE PROCUREMENT OFFICER SHALL PROCURE:

   a. DESIGN SERVICES PURSUANT TO ABOR POLICY 3-804B, EXCEPT AS OTHERWISE PROVIDED IN ABOR POLICY 3-803C.1, C.2, AND C.3.
   b. CONSTRUCTION BY COMPETITIVE SEALED BIDDING, EXCEPT AS OTHERWISE PROVIDED IN ABOR POLICY 3-803C.1, C.2, C.3. AND C.6.

B. PROCUREMENT OF PROFESSIONAL SERVICES AND CONSTRUCTION SERVICES

1. NOTICE. A UNIVERSITY SHALL PROVIDE NOTICE, AS REQUIRED BY THIS CODE AND BY UNIVERSITY POLICIES AND PROCEDURES, OF EACH PROCUREMENT OF PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES,
AND SHALL AWARD CONTRACTS ON THE BASIS OF DEMONSTRATED COMPETENCE AND QUALIFICATIONS FOR THE TYPE OF PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES, PURSUANT TO PROCEDURES PRESCRIBED IN THIS SECTION.

2. ANNUAL REQUEST FOR QUALIFICATION. IN ADDITION TO OTHER PROCUREMENT METHODS ALLOWED UNDER THIS CODE, FOR PROCUREMENT OF PROFESSIONAL SERVICES IF THE CONTRACT AMOUNT IS FIVE HUNDRED THOUSAND DOLLARS ($500,000) OR LESS, THE PROCUREMENT OFFICER SHALL ENCOURAGE PERSONS ENGAGED IN THE LAWFUL PRACTICE OF THE PROFESSION TO SUBMIT ANNually A STATEMENT OF QUALIFICATIONS AND EXPERIENCE. THE PROCUREMENT OFFICER SHALL APPOINT AN APPROPRIATELY QUALIFIED SELECTION COMMITTEE FOR EACH PROCUREMENT, AS DETERMINED BY THE PROCUREMENT OFFICER. ONE OR MORE CONTRACTS MAY BE AWARDED UNDER A PROCUREMENT OF THIS TYPE. THE SELECTION COMMITTEE SHALL EVALUATE CURRENT STATEMENTS OF QUALIFICATIONS AND EXPERIENCE ON FILE WITH THE UNIVERSITY, AND ANY OTHER ADDITIONAL INFORMATION REQUESTED. THE SELECTION COMMITTEE MAY CONDUCT INTERVIEWS WITH AT LEAST THREE (3) BUT NO MORE THAN FIVE (5) OFFERORS REGARDING THE PROCUREMENT AND THE RELATIVE METHODS OF FURNISHING THE REQUIRED SERVICES AND, IF POSSIBLE, SHALL SELECT, IN ORDER OF PREFERENCE, ONE OR MORE FINAL LISTS OF THE OFFERORS DEEMED TO BE THE MOST QUALIFIED TO PROVIDE THE SERVICES REQUIRED. THE SELECTION COMMITTEE SHALL BASE THE SELECTION OF EACH FINAL LIST AND THE ORDER OF PREFERENCE ON DEMONSTRATED COMPETENCE AND QUALIFICATIONS ONLY.

THE UNIVERSITY AND THE SELECTION COMMITTEE SHALL NOT REQUEST OR CONSIDER FEES, PRICE, MAN-HOURS OR ANY OTHER COST INFORMATION AT ANY POINT IN THE SELECTION PROCESS DESCRIBED IN THIS SUBSECTION. FOR EACH CONTRACT FOR PROFESSIONAL SERVICES INCLUDED IN THE PROCUREMENT, THE PROCUREMENT OFFICER SHALL ENTER INTO NEGOTIATIONS WITH THE OFFEROR SELECTED AS THE HIGHEST QUALIFIED. THE NEGOTIATIONS SHALL INCLUDE CONSIDERATION OF COMPENSATION AND OTHER CONTRACT TERMS THAT THE PROCUREMENT OFFICER DETERMINES TO BE FAIR AND

3. FOR CONTRACTS FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS ($500,000) FOR PROFESSIONAL SERVICES, AND FOR ALL CONSTRUCTION SERVICES, THE UNIVERSITY SHALL COMPLY WITH THE FOLLOWING PROCEDURES:

a. FORMATION OF SELECTION COMMITTEE. THE PROCUREMENT OFFICER SHALL APPOINT AN APPROPRIATE QUALIFIED SELECTION COMMITTEE FOR THE PROCUREMENT OF PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES. IF PROCURING PROFESSIONAL SERVICES, THE PROCUREMENT OFFICER SHALL DETERMINE THE NUMBER AND QUALIFICATIONS OF THE SELECTION COMMITTEE MEMBERS. A SELECTION COMMITTEE FOR THE PROCUREMENT OF CONSTRUCTION SERVICES SHALL NOT HAVE MORE THAN SEVEN (7) MEMBERS AND SHALL INCLUDE AT LEAST ONE PERSON WHO IS A SENIOR MANAGEMENT EMPLOYEE OF A LICENSED CONTRACTOR AND ONE PERSON WHO IS AN ARCHITECT OR AN ENGINEER WHO IS REGISTERED PURSUANT TO A.R.S. 32-121. THESE MEMBERS MAY BE EMPLOYEES OR CONSULTANTS OF THE UNIVERSITY. OUTSIDE CONTRACTORS, ARCHITECTS AND ENGINEERS SERVING ON A SELECTION COMMITTEE SHALL NOT RECEIVE COMPENSATION FROM THE UNIVERSITY FOR PERFORMING THIS SERVICE, BUT THE UNIVERSITY MAY ELECT TO REIMBURSE COSTS FOR TRAVEL.
LODGING AND OTHER EXPENSES INCURRED IN CONNECTION WITH SERVICE ON A SELECTION COMMITTEE. A PERSON WHO IS A MEMBER OF A SELECTION COMMITTEE SHALL NOT BE A CONTRACTOR UNDER A CONTRACT AWARDED UNDER THAT PROCUREMENT OR PROVIDE PROFESSIONAL SERVICES, CONSTRUCTION OR CONSTRUCTION SERVICES, MATERIALS OR SERVICES UNDER THE CONTRACT. THIS DOES NOT PRECLUDE A DESIGN PROFESSIONAL WHO HAS BEEN AWARDED A CONTRACT FOR DESIGN SERVICES FROM SITTING ON THE SELECTION COMMITTEE TO SELECT A CMAR FOR THE SAME PROJECT FOR WHICH THE DESIGN PROFESSIONAL HAS BEEN AWARDED A CONTRACT.

b. SELECTION COMMITTEE RESPONSIBILITIES. THE SELECTION COMMITTEE SHALL:

(1) EVALUATE SUBMITTALS: EVALUATE THE STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA THAT ARE SUBMITTED IN RESPONSE TO THE UNIVERSITY’S REQUEST FOR QUALIFICATIONS.

(2) CONDUCT INTERVIEWS: IF INCLUDED IN THE REQUEST FOR QUALIFICATIONS, THE SELECTION COMMITTEE WILL SELECT OFFERORS TO BE INTERVIEWED, BASED ONLY ON THE SELECTION CRITERIA AND RELATIVE WEIGHT OF THE SELECTION CRITERIA STATED IN THE REQUEST FOR QUALIFICATIONS. THE SELECTION COMMITTEE WILL CONDUCT THOSE INTERVIEWS AND PREPARE A FINAL RANKED LIST, PURSUANT TO ABOR POLICY 3-804B.3.B.3 BELOW.

(3) FINAL LIST. AFTER REVIEWING THE STATEMENTS OF QUALIFICATION, OR, IF INTERVIEWS ARE CONDUCTED, AFTER INTERVIEWS, THE SELECTION COMMITTEE WILL CREATE FOR EACH CONTRACT A FINAL LIST OF THE THREE (D) OFFERORS THE SELECTION COMMITTEE DEEMS TO BE THE MOST QUALIFIED TO PROVIDE THE PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES. THE SELECTION OF THE OFFERORS ON THE FINAL

(4) FEWER THAN THREE (3) RESPONSIBLE AND RESPONSIVE OFFERORS. IF ONLY TWO (2) RESPONSIBLE AND RESPONSIVE OFFEROR RESPOND TO THE REQUEST FOR QUALIFICATIONS OR IF OFFERORS WITHDRAW FROM THE PROCUREMENT PROCESS SO THAT THERE ARE ONLY TWO (2) RESPONSIBLE AND RESPONSIVE OFFERORS REMAINING, THE SELECTION COMMITTEE MAY ELECT TO PROCEED WITH THE PROCUREMENT, INCLUDING INTERVIEWS AND PREPARING THE FINAL LIST, WITH THOSE TWO (2) OFFERORS, OR MAY RE-ADVERTISE PURSUANT TO SECTION 3-804B.3. IF ONLY ONE (1) RESPONSIVE AND RESPONSIBLE OFFEROR RESPONDS TO THE REQUEST FOR QUALIFICATIONS OR IF OFFERORS WITHDRAW FROM THE PROCUREMENT PROCESS FOR A CONTRACT OR MULTIPLE CONTRACTS TO BE NEGOTIATED UNDER ABOR POLICY 3-804B.7 SO THAT ONLY ONE RESPONSIVE AND RESPONSIBLE OFFEROR REMAINS IN THE PROCUREMENT PROCESS, THE SELECTION COMMITTEE MAY
ELECT TO PROCEED WITH ONLY ONE (1) OFFEROR IN THE PROCUREMENT PROCESS AND MAY DIRECT THE PROCUREMENT OFFICER TO AWARD THE CONTRACT OR CONTRACTS TO A SINGLE OFFEROR IF THE PROCUREMENT OFFICER DETERMINES IN WRITING THAT THE FEE NEGOTIATED PURSUANT TO SECTION 3-804B.7 IS FAIR AND REASONABLE AND EITHER I) OTHER PROSPECTIVE OFFERORS HAD A REASONABLE OPPORTUNITY TO RESPOND OR, II) THERE IS NOT ADEQUATE TIME FOR A RESOLUTION. IF A OFFEROR ON THE FINAL LIST WITHDRAWS OR IS REMOVED FROM THE PROCUREMENT PROCESS AND THE SELECTION COMMITTEE DETERMINES THAT IT IS IN THE BEST INTEREST OF THE UNIVERSITY, THE SELECTION COMMITTEE MAY ADD TO THE FINAL LIST AS THE LAST PERSON ON THE FINAL LIST ANOTHER OFFEROR THAT SUBMITTED QUALIFICATIONS AND THAT IS SELECTED BY THE SELECTION COMMITTEE AS THE NEXT MOST QUALIFIED.

c. REQUEST FOR QUALIFICATIONS. A UNIVERSITY SHALL ISSUE A REQUEST FOR QUALIFICATIONS FOR EACH CONTRACT AND GIVE PUBLIC NOTICE OF THE REQUEST FOR QUALIFICATIONS IN THE MANNER PRESCRIBED BY THIS CODE AND BY UNIVERSITY POLICIES AND PROCEDURES. THE REQUEST FOR QUALIFICATIONS SHALL INCLUDE THE CRITERIA TO BE USED TO SELECT THE OFFEROR TO PERFORM THE PROFESSIONAL SERVICES OR THE CONSTRUCTION SERVICES, AND THE RELATIVE WEIGHT OF THE SELECTION CRITERIA AND, IF REQUIRED UNDER SECTION 3-804B.4.B.2, THAT ONE (1) OF THE CRITERIA WILL BE THE OFFEROR’S SUBCONTRACTOR SELECTION PLAN OR PROCEDURES TO IMPLEMENT THE UNIVERSITY’S SUBCONTRACTOR SELECTION PLAN.

d. INTERVIEWS. IF THE UNIVERSITY WILL HOLD INTERVIEWS AS PART OF THE SELECTION PROCESS, INTERVIEWS SHALL BE HELD WITH AT LEAST THREE (3) AND NO MORE THAN FIVE (5) OFFERORS, EXCEPT THAT IF MULTIPLE CONTRACTS ARE BEING PROCURED UNDER A SINGLE REQUEST FOR
QUALIFICATIONS SOLICITATION UNDER ABOR POLICY 3-804B.3 OR A SINGLE REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS SOLICITATION UNDER ABOR POLICY 3-804B.3 AND 8 THE NUMBER TO BE INTERVIEWED SHALL BE AT LEAST THREE (3) AND NOT MORE THAN THE NUMBER OF CONTRACTS PLUS TWO (2).

e. MULTIPLE CONTRACTS. A UNIVERSITY MAY PROCURE MULTIPLE CONTRACTS UNDER A SINGLE REQUEST FOR QUALIFICATIONS OR, FOR JOC CONSTRUCTION SERVICES, UNDER A SINGLE REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS PROCUREMENT PROCESS AS PROVIDED FOR IN THIS CODE. IF A UNIVERSITY DOES THIS:

(1) THE ADVERTISEMENT AND THE REQUEST FOR QUALIFICATIONS SHALL STATE THAT MULTIPLE CONTRACTS MAY OR WILL BE AWARDED, SHALL STATE THE NUMBER OF CONTRACTS THAT MAY OR WILL BE AWARDED AND SHALL DESCRIBE THE SERVICES TO BE PERFORMED UNDER EACH CONTRACT.

(2) THERE SHALL BE A SINGLE SELECTION PROCESS FOR ALL OF THE MULTIPLE CONTRACTS, EXCEPT THAT FOR EACH CONTRACT THERE SHALL BE A SEPARATE FINAL LIST AND A SEPARATE NEGOTIATION UNDER ABOR POLICY 3-804B.7 OR A SEPARATE REQUEST FOR PROPOSALS UNDER ABOR POLICY 3-804B.8 HOWEVER, IF THE REQUEST FOR QUALIFICATIONS SPECIFIES THAT ALL OF THE MULTIPLE CONTRACTS WILL BE AWARDED TO A SINGLE CONTRACTOR, THERE MAY BE A SINGLE FINAL LIST AND A SINGLE NEGOTIATION FOR ALL OF THE MULTIPLE CONTRACTS OR A SINGLE REQUEST FOR PROPOSALS COMPETITION UNDER ABOR POLICY 3-804B.8.

(3) THE UNIVERSITY MAY AWARD ALL OF THE MULTIPLE CONTRACTS TO ONE (1) CONTRACTOR OR MAY AWARD THE MULTIPLE CONTRACTS TO MULTIPLE CONTRACTORS.

f. MULTIPLE CONTRACTS FOR PROFESSIONAL
SERVICES. FOR PROFESSIONAL SERVICES, A UNIVERSITY MAY PROCURE MULTIPLE CONTRACTS USING A SINGLE REQUEST FOR QUALIFICATIONS EXCEPT THAT PROFESSIONAL SERVICES THAT ARE PART OF DB CONSTRUCTION SERVICES MAY ONLY BE PROCURED AS PART OF THE DB CONSTRUCTION SERVICES PROCUREMENT. EACH OF THE MULTIPLE CONTRACTS FOR PROFESSIONAL SERVICES MUST HAVE A TERM NOT EXCEEDING FIVE (5) YEARS AND MAY CONTINUE IN EFFECT AFTER THE FIVE (5) YEAR TERM FOR PROFESSIONAL SERVICES ON PROJECTS COMMENCED WITHIN THE FIVE (5) YEAR TERM.

g. FOR CMAR CONSTRUCTION SERVICES AND FOR DB CONSTRUCTION SERVICES, A UNIVERSITY MAY PROCURE MULTIPLE CONTRACTS USING A SINGLE REQUEST FOR QUALIFICATIONS OR FOR DB CONSTRUCTION SERVICES USING A SINGLE REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS, BUT IN EITHER CASE ONLY FOR A SPECIFIC SINGLE PROJECT, PORTIONS OF THE SPECIFIC SINGLE PROJECT SHALL BE ALLOCATED TO SEPARATE CONTRACTS.

4. SUBCONTRACTOR SELECTION. FOR CMAR CONSTRUCTION SERVICES, DB CONSTRUCTION SERVICES AND JOC CONSTRUCTION SERVICES, IF THE CONTRACT OR CONTRACTS WILL BE NEGOTIATED UNDER ABOR POLICY 3-804B.7, OR FOR JOC CONSTRUCTION SERVICES IF THE CONTRACT WILL BE AWARDED PURSUANT TO ABOR POLICY 3-804B.8:

a. THE OFFEROR SELECTED TO PERFORM THE CONSTRUCTION SERVICES MUST SELECT SUBCONTRACTORS BASED ON QUALIFICATIONS ALONE OR ON A COMBINATION OF QUALIFICATIONS AND PRICE AND SHALL NOT SELECT SUBCONTRACTORS BASED ON PRICE ALONE. A QUALIFICATIONS AND PRICE SELECTION MAY BE A SINGLE STEP SELECTION BASED ON A COMBINATION OF QUALIFICATIONS AND PRICE OR A TWO-STEP SELECTION. IN A TWO-STEP SELECTION, THE FIRST STEP SHALL BE BASED ON QUALIFICATIONS ALONE AND THE SECOND STEP MAY BE BASED ON A COMBINATION OF QUALIFICATIONS AND PRICE OR ON PRICE ALONE.
b. THE UNIVERSITY SHALL INCLUDE IN THE REQUEST FOR QUALIFICATIONS EITHER:

(1) A REQUIREMENT THAT EACH OFFEROR SUBMIT A PROPOSED SUBCONTRACTOR SELECTION PLAN, A REQUIREMENT THAT THE PROPOSED SUBCONTRACTOR SELECTION PLAN MUST SELECT SUBCONTRACTORS BASED ON QUALIFICATIONS ALONE OR ON A COMBINATION OF QUALIFICATIONS AND PRICE AND SHALL NOT SELECT SUBCONTRACTORS BASED ON PRICE ALONE AND, AS A SELECTION CRITERIA UNDER THE REQUEST FOR QUALIFICATIONS, AN EVALUATION OF EACH OFFEROR’S PROPOSED SUBCONTRACTOR SELECTION PLAN; OR

(2) A SUBCONTRACTOR SELECTION PLAN ADOPTED BY THE UNIVERSITY THAT WILL APPLY TO THE OFFEROR THAT IS SELECTED TO PERFORM THE CONSTRUCTION SERVICES THAT REQUIRES SUBCONTRACTORS TO BE SELECTED BASED ON QUALIFICATIONS ALONE OR ON A COMBINATION OF QUALIFICATIONS AND PRICE AND NOT BASED ON PRICE ALONE, A REQUIREMENT THAT EACH OFFEROR MUST SUBMIT A DESCRIPTION OF THE PROCEDURES IT PROPOSES TO USE TO CARRY OUT THE UNIVERSITY’S SUBCONTRACTOR SELECTION PLAN AND, AS A SELECTION CRITERIA UNDER THE REQUEST FOR QUALIFICATIONS, AN EVALUATION OF EACH OFFEROR’S PROPOSED PROCEDURES TO CARRY OUT THE UNIVERSITY’S SUBCONTRACTOR SELECTION PLAN.

c. THE UNIVERSITY SHALL INCLUDE IN ITS CONTRACT WITH THE SELECTED OFFEROR EITHER:

(1) IF THE UNIVERSITY INCLUDED ITS SUBCONTRACTOR SELECTION PLAN IN THE REQUEST FOR QUALIFICATIONS, THE UNIVERSITY’S SUBCONTRACTOR SELECTION PLAN AND THE PROCEDURES PROPOSED BY THE SELECTED OFFEROR IN SUBMITTING ITS QUALIFICATIONS WITH THOSE MODIFICATIONS
TO THE PROCEDURES AS THE UNIVERSITY AND THE SELECTED OFFEROR AGREE.

(2) IF THE UNIVERSITY DID NOT INCLUDE ITS SUBCONTRACTOR SELECTION PLAN IN THE REQUEST FOR QUALIFICATIONS, THE SUBCONTRACTOR SELECTION PLAN PROPOSED BY THE SELECTED OFFEROR IN SUBMITTING ITS QUALIFICATIONS WITH THOSE MODIFICATIONS AS THE UNIVERSITY AND THE SELECTED PERSON AGREE.

d. IN MAKING THE SELECTION OF SUBCONTRACTORS, THE OFFEROR SELECTED TO PERFORM THE CONSTRUCTION SERVICES SHALL USE THE SUBCONTRACTOR SELECTION PLAN AND ANY PROCEDURES INCLUDED IN ITS CONTRACT.

5. THE UNIVERSITY AND THE SELECTION COMMITTEE SHALL NOT REQUEST OR CONSIDER FEES, PRICE, MAN-HOURS OR ANY OTHER COST INFORMATION AT ANY POINT IN THE SELECTION PROCESS UNDER ABOR POLICY 3-804B.3 AND 4, INCLUDING IN THE SELECTION OF THE OFFERORS TO BE INTERVIEWED, THE SELECTION OF THE OFFERORS TO BE ON THE FINAL LIST, IN DETERMINING THE ORDER OF PREFERENCE OF OFFERORS ON THE FINAL LIST OR FOR ANY OTHER PURPOSE IN THE SELECTION PROCESS. FEES, PRICE, MAN-HOURS, AND ANY OTHER COST INFORMATION SHALL ONLY BE CONSIDERED IN THE NEGOTIATION PROCESS.

6. THE PROCUREMENT OFFICER SHALL AWARD A CONTRACT FOR PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES TO ONE OF THE OFFERORS ON THE FINAL LIST FOR THAT CONTRACT PREPARED AS SET FORTH IN THIS SECTION 803B.

7. CONTRACT NEGOTIATIONS AND EXECUTION. FOR EACH CONTRACT INCLUDED IN THE REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES, THE PROCUREMENT OFFICER SHALL ENTER INTO SEPARATE NEGOTIATIONS FOR THE CONTRACT WITH THE HIGHEST QUALIFIED OFFEROR ON THE FINAL LIST FOR THAT CONTRACT DETERMINED PURSUANT TO THIS ABOR POLICY 3-804B. IF THE REQUEST FOR QUALIFICATIONS IS FOR MULTIPLE CONTRACTS AND
SPECIFIES THAT ALL OF THE MULTIPLE CONTRACTS WILL BE AWARDED TO A SINGLE CONTRACTOR, THERE MAY BE A SINGLE NEGOTIATION FOR ALL OF THE MULTIPLE CONTRACTS. THE NEGOTIATIONS SHALL INCLUDE CONSIDERATION OF COMPENSATION AND OTHER CONTRACT TERMS THAT THE PROCUREMENT OFFICER DETERMINES TO BE FAIR AND REASONABLE TO THE UNIVERSITY. IN MAKING THIS DECISION, THE PROCUREMENT OFFICER SHALL TAKE INTO ACCOUNT THE ESTIMATED VALUE, THE SCOPE, THE COMPLEXITY AND THE NATURE OF THE PROFESSIONAL SERVICES OR CONSTRUCTION SERVICES TO BE RENDERED. IF THE PROCUREMENT OFFICER IS UNABLE TO NEGOTIATE A SATISFACTORY CONTRACT WITH THE HIGHEST QUALIFIED OFFEROR ON THE FINAL LIST, AT A COMPENSATION AND ON OTHER CONTRACT TERMS THE PROCUREMENT OFFICER DETERMINES TO BE FAIR AND REASONABLE TO THE UNIVERSITY, THE PROCUREMENT OFFICER SHALL FORMALLY TERMINATE NEGOTIATIONS WITH THAT OFFEROR. THE PROCUREMENT OFFICER MAY UNDERTAKE NEGOTIATIONS WITH THE NEXT MOST QUALIFIED PERSON ON THE FINAL LIST IN SEQUENCE UNTIL A FAIR AND REASONABLE AGREEMENT IS REACHED OR A DETERMINATION IS MADE TO REJECT ALL OFFERORS ON THE FINAL LIST. IF A CONTRACT FOR CONSTRUCTION SERVICES IS ENTERED INTO PURSUANT TO THIS SUBSECTION:

AGREED TO A PRECONSTRUCTION SERVICES FEE.

b. CONSTRUCTION. CONSTRUCTION SHALL NOT COMMENCE UNTIL THE UNIVERSITY AND CONTRACTOR AGREE IN WRITING ON EITHER A FIXED PRICE OR A GMP THAT THE UNIVERSITY WILL PAY FOR THE CONSTRUCTION TO BE COMMENCED.

8. MULTI-STEP SELECTION PROCESS. AS AN ALTERNATIVE TO ENTERING INTO NEGOTIATIONS PURSUANT TO ABOR POLICY 3-804B.7, ABOVE, THE PROCUREMENT OFFICER MAY AWARD DB CONSTRUCTION SERVICES OR JOC CONSTRUCTION SERVICES AS FOLLOWS:

a. THE PROCUREMENT OFFICER SHALL USE THE SELECTION COMMITTEE APPOINTED FOR THE REQUEST FOR QUALIFICATIONS PURSUANT TO ABOR POLICY 3-804B.3.

b. THE PROCUREMENT OFFICER SHALL ISSUE A REQUEST FOR PROPOSALS TO THE OFFERORS ON THE FINAL LIST DEVELOPED PURSUANT TO ABOR POLICY 3-804B.3.

c. THE REQUEST FOR PROPOSALS SHALL INCLUDE:

   (1) THE UNIVERSITY'S PROJECT SCHEDULE AND PROJECT FINAL DESIGN AND CONSTRUCTION BUDGET OR LIFE CYCLE BUDGET FOR A PROCUREMENT THAT INCLUDES MAINTENANCE SERVICES OR OPERATIONS SERVICES.

   (2) A STATEMENT THAT THE CONTRACT OR CONTRACTS WILL BE AWARDED TO THE OFFEROR WHOSE PROPOSAL RECEIVES THE HIGHEST RANKING UNDER A SCORING METHOD.

   (3) A DESCRIPTION OF THE SCORING METHOD, INCLUDING A LIST OF THE FACTORS IN THE SCORING METHOD AND THE NUMBER OF POINTS ALLOCATED TO EACH FACTOR. THE FACTORS IN THE SCORING METHOD SHALL INCLUDE:

      (a) FOR DB CONSTRUCTION SERVICES ONLY, DEMONSTRATED COMPLIANCE WITH THE
PROJECT REQUIREMENTS.

(b) OFFEROR QUALIFICATIONS.

(c) OFFEROR FINANCIAL CAPACITY.

(d) COMPLIANCE WITH THE UNIVERSITY’S PROJECT SCHEDULE.

(e) FOR DB CONSTRUCTION SERVICES ONLY, IF THE REQUEST FOR PROPOSALS SPECIFIES THAT THE UNIVERSITY WILL SPEND ITS PROJECT BUDGET AND NOT MORE THAN ITS PROJECT BUDGET AND IS SEEKING THE BEST PROPOSAL FOR THE PROJECT BUDGET, COMPLIANCE OF THE OFFEROR’S PRICE OR LIFE CYCLE PRICE FOR PROCUREMENTS THAT INCLUDE MAINTENANCE SERVICES, OPERATIONS SERVICES OR FINANCE SERVICES WITH THE UNIVERSITY’S BUDGET AS PRESCRIBED IN THE REQUEST FOR PROPOSALS.

(f) FOR DB CONSTRUCTION SERVICES, IF THE REQUEST FOR PROPOSALS DOES NOT CONTAIN THE SPECIFICATIONS PRESCRIBED IN ABOR POLICY 3-804B.8.C.(3)(E) ABOVE, AND FOR JOC CONSTRUCTION SERVICES, THE PRICE OR LIFE CYCLE PRICE FOR PROCUREMENTS THAT INCLUDE MAINTENANCE SERVICES, OPERATIONS SERVICES OR FINANCE SERVICES.

(g) AN OFFEROR QUALITY MANAGEMENT PLAN.

(h) OTHER EVALUATION FACTORS AS DETERMINED BY THE UNIVERSITY, IF ANY.

(4) FOR DB CONSTRUCTION SERVICES ONLY, THE PROJECT REQUIREMENTS.

(5) A REQUIREMENT THAT EACH OFFEROR SUBMIT SEPARATELY A TECHNICAL PROPOSAL AND A
PRICE PROPOSAL AND THAT THE OFFEROR'S ENTIRE PROPOSAL BE RESPONSIVE TO THE PROJECT REQUIREMENTS IN THE REQUEST FOR PROPOSALS. FOR DB CONSTRUCTION SERVICES, THE PRICE IN THE PRICE PROPOSAL SHALL BE A FIXED PRICE OR A GUARANTEED MAXIMUM PRICE.


(7) IF THE UNIVERSITY CONDUCTS DISCUSSIONS PURSUANT TO ABOR POLICY 3-804B.8.E BELOW, A STATEMENT THAT DISCUSSIONS WILL BE HELD AND A REQUIREMENT THAT EACH OFFEROR SUBMIT A PRELIMINARY TECHNICAL PROPOSAL BEFORE THE DISCUSSIONS ARE HELD.

D. IF THE PROCUREMENT OFFICER CONDUCTS DISCUSSIONS PURSUANT TO ABOR POLICY 3-804B.8.E BELOW, EACH OFFEROR SHALL SUBMIT A PRELIMINARY TECHNICAL PROPOSAL TO THE UNIVERSITY BEFORE THE DISCUSSIONS ARE HELD.

E. IF THE PROCUREMENT OFFICER INCLUDES IT IN THE REQUEST FOR PROPOSALS, THE SELECTION COMMITTEE SHALL CONDUCT DISCUSSIONS WITH ALL OFFERORS THAT SUBMIT PRELIMINARY TECHNICAL PROPOSALS. DISCUSSIONS SHALL BE FOR THE PURPOSE OF CLARIFICATION TO ASSURE FULL UNDERSTANDING OF, AND RESPONSIVENESS TO, THE SOLICITATION REQUIREMENTS. OFFERORS SHALL BE ACCORDED FAIR TREATMENT WITH RESPECT TO ANY OPPORTUNITY FOR DISCUSSION AND FOR CLARIFICATION BY THE UNIVERSITY. REVISION OF PRELIMINARY TECHNICAL PROPOSALS SHALL BE PERMITTED AFTER SUBMISSION OF PRELIMINARY TECHNICAL PROPOSALS AND BEFORE AWARD FOR THE PURPOSE OF OBTAINING BEST AND FINAL PROPOSALS. IN CONDUCTING ANY DISCUSSIONS,
INFORMATION DERIVED FROM PROPOSALS SUBMITTED BY COMPETING OFFERORS SHALL NOT BE DISCLOSED TO OTHER COMPETING OFFERORS.

F. AFTER COMPLETION OF ANY DISCUSSIONS PURSUANT TO ABOR POLICY 3-804B.8.E ABOVE, OR IF NO DISCUSSIONS ARE HELD, EACH OFFEROR SHALL SUBMIT SEPARATELY ITS FINAL TECHNICAL PROPOSAL AND ITS PRICE PROPOSAL.

G. BEFORE OPENING ANY PRICE PROPOSAL, THE SELECTION COMMITTEE SHALL OPEN THE FINAL TECHNICAL PROPOSALS, EVALUATE THE FINAL TECHNICAL PROPOSALS AND SCORE THE FINAL TECHNICAL PROPOSALS USING THE SCORING METHOD IN THE REQUEST FOR PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE USED IN THE EVALUATION AND SCORING.


i. THE PROCUREMENT OFFICER SHALL AWARD THE CONTRACT OR CONTRACTS TO THE RESPONSIVE AND RESPONSIBLE OFFEROR WHOSE PROPOSAL RECEIVES THE HIGHEST SCORE UNDER THE METHOD OF SCORING IN THE REQUEST FOR PROPOSALS. NO OTHER FACTORS OR CRITERIA MAY BE USED IN THE EVALUATION.

j. THE PROCUREMENT FILE(S) SHALL CONTAIN THE BASIS ON WHICH THE AWARD IS MADE.

k. FOR DB CONSTRUCTION SERVICES ONLY, THE PROCUREMENT OFFICER SHALL AWARD A STIPULATED FEE EQUAL TO A PERCENTAGE, AS PRESCRIBED IN THE REQUEST FOR PROPOSALS, OF THE UNIVERSITY'S PROJECT FINAL DESIGN AND CONSTRUCTION BUDGET, AS PRESCRIBED IN THE
REQUEST FOR PROPOSALS, BUT NOT LESS THAN TWO-TENTHS (2/10) OF 1 PERCENT OF THE PROJECT FINAL DESIGN AND CONSTRUCTION BUDGET TO EACH FINAL LIST OFFEROR WHO PROVIDES A RESPONSIVE, BUT UNSUCCESSFUL, PROPOSAL. IF THE PROCUREMENT OFFICER DOES NOT AWARD A CONTRACT, ALL RESPONSIVE FINAL LIST OFFERORS SHALL RECEIVE THE STIPULATED FEE BASED ON THE UNIVERSITY’S ESTIMATE OF THE PROJECT FINAL DESIGN AND CONSTRUCTION BUDGET AS INCLUDED IN THE REQUEST FOR PROPOSALS. THE PROCUREMENT OFFICER SHALL PAY THE STIPULATED FEE TO EACH OFFEROR WITHIN NINETY (90) DAYS AFTER THE AWARD OF THE INITIAL CONTRACT OR THE DECISION NOT TO AWARD A CONTRACT. IN CONSIDERATION FOR PAYING THE STIPULATED FEE, THE UNIVERSITY MAY USE ANY IDEAS OR INFORMATION CONTAINED IN THE PROPOSALS IN CONNECTION WITH ANY CONTRACT AWARDED FOR THE PROJECT, OR IN CONNECTION WITH A SUBSEQUENT PROCUREMENT, WITHOUT ANY OBLIGATION TO PAY ANY ADDITIONAL COMPENSATION TO THE UNSUCCESSFUL OFFERORS. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS PARAGRAPH, AN UNSUCCESSFUL FINAL LIST OFFEROR MAY ELECT TO WAIVE THE STIPULATED FEE. IF AN UNSUCCESSFUL FINAL LIST OFFEROR ELECTS TO WAIVE THE STIPULATED FEE, THE UNIVERSITY MAY NOT USE IDEAS AND INFORMATION CONTAINED IN THE OFFEROR’S PROPOSAL, EXCEPT THAT THIS RESTRICTION DOES NOT PREVENT THE UNIVERSITY FROM USING ANY IDEA OR INFORMATION IF THE IDEA OR INFORMATION IS ALSO INCLUDED IN A PROPOSAL OF AN OFFEROR THAT ACCEPTS THE STIPULATED FEE.

9. DISCLOSURE OF INFORMATION. EXCEPT AS PROVIDED FOR IN ABOR POLICY 3-803A.3 AND 3-803B.4, UNTIL AWARD AND EXECUTION OF A CONTRACT BY A UNIVERSITY, ONLY THE NAME OF EACH OFFEROR ON THE FINAL LIST DEVELOPED PURSUANT TO THE SOLICITATION MAY BE MADE AVAILABLE TO THE PUBLIC AND ALL OTHER INFORMATION RECEIVED BY THE UNIVERSITY IN RESPONSE TO THE REQUEST FOR QUALIFICATIONS OR CONTAINED IN THE PROPOSALS SHALL BE CONFIDENTIAL IN ORDER TO AVOID DISCLOSURE OF THE CONTENTS THAT MAY BE PREJUDICIAL TO COMPETING...

10. CANCELLATION. A UNIVERSITY MAY CANCEL A REQUEST FOR QUALIFICATIONS OR A REQUEST FOR PROPOSALS OR REJECT IN WHOLE OR IN PART ANY OR ALL OFFERS AS SPECIFIED IN THE SOLICITATION, IF IT IS IN THE BEST INTEREST OF THE UNIVERSITY. THE UNIVERSITY SHALL MAKE THE REASONS FOR CANCELLATION OR REJECTION PART OF THE PROCUREMENT FILE.

11. NOTWITHSTANDING ANY OTHER LAW OR PROVISIONS OF THIS CODE:

a. THE CONTRACTOR FOR DB OR JOC CONSTRUCTION SERVICES IS NOT REQUIRED TO BE REGISTERED TO PERFORM PROFESSIONAL SERVICES PURSUANT TO A.R.S. TITLE 32, CHAPTER 1 IF THE PERSON ACTUALLY PERFORMING THE PROFESSIONAL SERVICES ON BEHALF OF THE CONTRACTOR IS APPROPRIATELY REGISTERED.

b. THE CONTRACTOR FOR CMAR, DB OR JOC CONSTRUCTION SERVICES SHALL BE LICENSED TO PERFORM CONSTRUCTION PURSUANT TO A.R.S. TITLE 32, CHAPTER 10.

12. FOR JOC CONSTRUCTION SERVICES ONLY:

a. THE MAXIMUM DOLLAR AMOUNT OF AN INDIVIDUAL JOB ORDER SHALL BE ONE MILLION NINE HUNDRED NINETY NINE THOUSAND NINE HUNDRED NINETY NINE DOLLARS ($1,999,999). REQUIREMENTS SHALL NOT BE ARTIFICIALLY DIVIDED OR FRAGMENTED IN ORDER TO CONSTITUTE A JOB ORDER THAT SATISFIES THIS REQUIREMENT.
b. IF THE CONTRACTOR SUBCONTRACTS OR INTENDS TO SUBCONTRACT PART OR ALL OF THE WORK UNDER A JOB ORDER AND IF THE JOB CONSTRUCTION SERVICES CONTRACT INCLUDES DESCRIPTIONS OF STANDARD INDIVIDUAL TASKS, STANDARD UNIT PRICES FOR STANDARD INDIVIDUAL TASKS AND PRICING OF JOB ORDERS BASED ON THE NUMBER OF UNITS OF STANDARD INDIVIDUAL TASKS IN THE JOB ORDER:

(1) THE CONTRACTOR HAS A DUTY TO DELIVER PROMPTLY TO EACH SUBCONTRACTOR INVITED TO BID A COEFFICIENT TO THE CONTRACTOR TO DO ALL OR PART OF THE WORK UNDER ONE OR MORE JOB ORDERS:

(a) A COPY OF THE DESCRIPTIONS OF ALL STANDARD INDIVIDUAL TASKS ON WHICH THE SUBCONTRACTOR IS INVITED TO BID.

(b) A COPY OF THE STANDARD UNIT PRICES FOR THE INDIVIDUAL TASKS ON WHICH THE SUBCONTRACTOR IS INVITED TO BID.

c. IF NOT PREVIOUSLY DELIVERED TO THE SUBCONTRACTOR, THE CONTRACTOR HAS A DUTY TO DELIVER PROMPTLY THE FOLLOWING TO EACH SUBCONTRACTOR INVITED TO OR THAT HAS AGREED TO DO ANY OF THE WORK INCLUDED IN ANY JOB ORDER:

(1) A COPY OF THE DESCRIPTION OF EACH STANDARD INDIVIDUAL TASK THAT IS INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO PERFORM.

(2) THE NUMBER OF UNITS OF EACH STANDARD INDIVIDUAL TASK THAT IS INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO PERFORM.

(3) THE STANDARD UNIT PRICE FOR EACH STANDARD INDIVIDUAL TASK THAT IS INCLUDED IN THE JOB ORDER AND THAT THE SUBCONTRACTOR IS INVITED TO PERFORM.
13. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN ABOR POLICY, A UNIVERSITY SHALL NOT:

a. ENTER INTO A CONTRACT AS A CONTRACTOR TO PROVIDE CMAR CONSTRUCTION SERVICES, DB CONSTRUCTION SERVICES OR JOC CONSTRUCTION SERVICES.

b. CONTRACT WITH ITSELF, WITH ANOTHER UNIVERSITY, WITH THE STATE OF ARIZONA OR WITH ANY OTHER GOVERNMENTAL UNIT OF THE STATE OF ARIZONA OR THE FEDERAL GOVERNMENT FOR THE UNIVERSITY TO PROVIDE CMAR CONSTRUCTION SERVICES, DB CONSTRUCTION SERVICES OR JOC CONSTRUCTION SERVICES.

14. THE PROHIBITIONS PRESCRIBED IN ABOR POLICY 3-804B.13 DO NOT PROHIBIT A UNIVERSITY FROM PROVIDING CONSTRUCTION FOR ITSELF AS PROVIDED BY LAW.

15. THE PROCUREMENT OFFICER SHALL INCLUDE IN EACH CONTRACT FOR CONSTRUCTION SERVICES THE FULL STREET OR PHYSICAL ADDRESS OF EACH SEPARATE LOCATION AT WHICH THE CONSTRUCTION WILL BE PERFORMED AND A REQUIREMENT THAT THE CONTRACTOR AND EACH SUBCONTRACTOR AT ANY LEVEL INCLUDE IN EACH OF ITS SUBCONTRACTS THE SAME ADDRESS INFORMATION. THE CONTRACTOR AND EACH SUBCONTRACTOR AT ANY LEVEL SHALL INCLUDE IN EACH SUBCONTRACT THE FULL STREET OR PHYSICAL ADDRESS OF EACH SEPARATE LOCATION AT WHICH CONSTRUCTION WORK WILL BE PERFORMED.

C. GENERAL PROVISIONS

1. ANY BUILDING, STRUCTURE, ADDITION OR ALTERATION OF A UNIVERSITY OR BOARD OWNED BUILDING MAY BE CONSTRUCTED WITH THE USE OF THE UNIVERSITY’S REGULARLY EMPLOYED PERSONNEL WITHOUT ADVERTISING FOR BIDS PROVIDED THAT THE TOTAL COST OF THE WORK, EXCLUDING MATERIALS AND EQUIPMENT ACQUIRED BY BID, DOES NOT EXCEED FIFTY THOUSAND DOLLARS ($50,000).

2. THE PROVISIONS OF ABOR POLICY 3-803F SHALL APPLY TO
THE PROCUREMENT OF CONSTRUCTION SERVICES AND PROFESSIONAL SERVICES.

3. DETAILED ESTIMATES OF THE COST OF A CONSTRUCTION PROJECT PREPARED FOR A UNIVERSITY BY A CONSTRUCTION MANAGER OR CONSULTANT SHALL REMAIN CONFIDENTIAL UNTIL AFTER THE BID OPENING, EXCEPT WHEN DISCLOSED AS PROVIDED IN ABOR POLICY 3-804B.

4. THE UNIVERSITY SHALL ADVISE THE CONSTRUCTION MANAGER OR THE CONSULTANT OF THE AMOUNT OF FUNDS AVAILABLE FOR THE PROJECT.

5. A UNIVERSITY SHALL ISSUE A NOTICE TO PROCEED ONLY AFTER THE CONTRACT IS FULLY EXECUTED AND UPON RECEIPT OF PROPER BONDS AND INSURANCE CERTIFICATES.

D. BID SECURITY

1. AS A GUARANTEE THAT THE CONTRACTOR WILL ENTER INTO A CONTRACT, BID SECURITY IS REQUIRED FOR ALL CONSTRUCTION SERVICES PROCURED BY A UNIVERSITY IF THE UNIVERSITY ESTIMATES THAT THE BUDGET FOR CONSTRUCTION, EXCLUDING THE COST OF FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, PRECONSTRUCTION SERVICES, PROFESSIONAL SERVICES, AND ANY OTHER RELATED SERVICES INCLUDED IN THE CONTRACT, WILL BE MORE THAN THE AMOUNT ESTABLISHED IN ABOR POLICY 3-803C.

2. BID SECURITY SHALL BE SUBMITTED IN THE FOLLOWING AMOUNTS:

   a. FOR DBB CONSTRUCTION, 10 PERCENT OF THE CONTRACTOR’S BID.

   b. FOR DB CONSTRUCTION SERVICES PROCURED THROUGH A REQUEST FOR PROPOSALS, 10 PERCENT OF THE UNIVERSITY’S FINAL DESIGN AND CONSTRUCTION BUDGET FOR THE PROJECT AS STATED IN THE REQUEST FOR PROPOSALS, EXCLUDING FINANCE SERVICES, MAINTENANCE SERVICES, OPERATING SERVICES,
PRECONSTRUCTION SERVICES, PROFESSIONAL SERVICES, AND ANY OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.

c. FOR JOC CONSTRUCTION SERVICES, THE AMOUNT PRESCRIBED BY THE UNIVERSITY IN THE REQUEST FOR PROPOSALS, BUT NOT MORE THAN 10 PERCENT OF THE UNIVERSITY’S REASONABLY ESTIMATED BUDGET FOR CONSTRUCTION THAT THE UNIVERSITY BELIEVES IS LIKELY TO ACTUALLY BE DONE DURING THE FIRST YEAR UNDER THE CONTRACT, EXCLUDING ANY FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, PRECONSTRUCTION SERVICES, PROFESSIONAL SERVICES, AND ANY OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.

3. NOTHING IN THIS SECTION PREVENTS A UNIVERSITY FROM REQUIRING SUCH BID SECURITY IN RELATION TO ANY CONSTRUCTION CONTRACT. THE SURETY BOND SHALL BE EXECUTED AND FURNISHED AS REQUIRED BY A.R.S. TITLE 34, CHAPTER 2 OR CHAPTER 6, AS APPROPRIATE, AND THE CONDITIONS AND PROVISIONS OF THE SURETY BOND REGARDING THE SURETY’S OBLIGATIONS SHALL FOLLOW THE FORM REQUIRED BY A.R.S. §34-201 OR §34-606 AS APPROPRIATE.

4. IF THE SOLICITATION REQUIRES BID SECURITY, FAILURE TO PROVIDE PROOF OF BID SECURITY AT THE TIME OF BID OPENING REQUIRES THAT THE BID OR OFFER BE REJECTED. IF THE BID SECURITY FAILS TO COMPLY WITH THE REQUIREMENT, BUT SUCH FAILURE IS NON-SUBSTANTIVE, THE CHIEF PROCUREMENT OFFICER MAY ISSUE A WRITTEN DETERMINATION TO ACCEPT THE BID SECURITY IF THE FOLLOWING CONDITIONS EXIST:

   a. ONLY ONE BID OR OFFER IS RECEIVED AND THERE IS NOT SUFFICIENT TIME TO RE-SOLICIT;

   b. THE AMOUNT OF THE BID SECURITY SUBMITTED, ALTHOUGH LESS THAN THE AMOUNT REQUIRED BY THE SOLICITATION, IS EQUAL TO OR GREATER THAN THE DIFFERENCE BETWEEN THE APPARENT LOW BID OR OFFER AND THE NEXT HIGHER ACCEPTABLE BID OR OFFER; OR
c. THE BID SECURITY IS INADEQUATE AS A RESULT OF CORRECTING OR MODIFYING A BID OR OFFER IN ACCORDANCE WITH THIS CODE, IF THE BIDDER OR OFFEROR INCREASES THE AMOUNT OF THE SECURITY TO REQUIRED LIMITS WITHIN TWO (2) DAYS AFTER NOTIFICATION.

5. AFTER THE BIDS OR OFFERS ARE OPENED, THEY ARE IRREVOCABLE FOR THE PERIOD STATED IN THE SOLICITATION, EXCEPT AS PROVIDED IN ABOR POLICY 3-803A.6 AS TO BIDS, AND ABOR POLICY 3-804B.6 AS TO OFFERS. IF A BIDDER OR OFFEROR IS PERMITTED TO WITHDRAW ITS BID OR PROPOSAL BEFORE AWARD, NO ACTION MAY BE HAD AGAINST THE BIDDER, OFFEROR OR THE BID SECURITY.

E. CONTRACT PERFORMANCE AND PAYMENT BONDS

1. THE FOLLOWING BONDS ARE REQUIRED IF THE VALUE OF A CONSTRUCTION CONTRACT EXCEEDS THE AMOUNT ESTABLISHED BY ABOR POLICY 3-803C.1. THE UNIVERSITY SHALL SPECIFY THE FORM OF ANY BONDS REQUIRED BY THIS CODE.

   a. A PERFORMANCE BOND SATISFACTORY TO THE UNIVERSITY, EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN ARIZONA, IN AN AMOUNT EQUAL TO 100 PERCENT OF THE AMOUNT SPECIFIED IN THE CONTRACT,

      (1) EXCEPT THAT, FOR JOC CONSTRUCTION SERVICES, THE PERFORMANCE BOND:

      (a) SHALL COVER THE FULL AMOUNT OF CONSTRUCTION,

      (b) SHALL NOT INCLUDE ANY PROFESSIONAL SERVICES, PRECONSTRUCTION SERVICES, FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES AND OTHER RELATED SERVICES INCLUDED IN THE CONTRACT,

      (c) MAY BE A SINGLE BOND FOR THE FULL TERM OF THE CONTRACT, A SEPARATE BOND FOR EACH YEAR OF A MULTIYEAR
CONTRACT OR A SEPARATE BOND FOR EACH JOB ORDER, AS DETERMINED BY THE UNIVERSITY, AND IF A SINGLE BOND FOR THE FULL TERM OF THE CONTRACT OR A SEPARATE BOND FOR EACH YEAR OF A MULTIYEAR CONTRACT, SHALL INITIALLY BE BASED ON THE UNIVERSITY’S REASONABLE ESTIMATE OF THE AMOUNT OF CONSTRUCTION THAT THE UNIVERSITY BELIEVES IS LIKELY TO ACTUALLY BE DONE DURING THE FULL TERM OF THE CONTRACT OR DURING THE PARTICULAR YEAR OF A MULTIYEAR CONTRACT.

(2) EXCEPT THAT FOR CMAR CONSTRUCTION SERVICES, AND DB CONSTRUCTION SERVICES, THE AMOUNT OF THE PERFORMANCE BOND SHALL BE THE PRICE OF CONSTRUCTION AND SHALL NOT INCLUDE THE COST OF ANY PROFESSIONAL SERVICES, PRECONSTRUCTION SERVICES, FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES, AND OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.

b. A PAYMENT BOND SATISFACTORY TO THE UNIVERSITY, EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN ARIZONA, FOR THE PROTECTION OF ALL PERSONS SUPPLYING LABOR AND MATERIAL TO THE CONTRACTOR OR ITS SUBCONTRACTORS FOR THE PERFORMANCE OF THE CONSTRUCTION PROVIDED FOR IN THE CONTRACT, IN AN AMOUNT EQUAL TO 100 PERCENT OF THE PRICE SPECIFIED IN THE CONTRACT:

(1) EXCEPT THAT, FOR JOC CONSTRUCTION SERVICES, THE PAYMENT BOND:

(a) SHALL COVER THE FULL AMOUNT OF CONSTRUCTION,

(b) SHALL NOT INCLUDE ANY PROFESSIONAL SERVICES, PRECONSTRUCTION SERVICES, FINANCE SERVICES,
MAINTENANCE SERVICES, OPERATIONS SERVICES AND OTHER RELATED SERVICES INCLUDED IN THE CONTRACT,

(c) MAY BE A SINGLE BOND FOR THE FULL TERM OF THE CONTRACT, A SEPARATE BOND FOR EACH YEAR OF A MULTIYEAR CONTRACT OR A SEPARATE BOND FOR EACH JOB ORDER, AS DETERMINED BY THE UNIVERSITY, AND IF A SINGLE BOND FOR THE FULL TERM OF THE CONTRACT OR A SEPARATE BOND FOR EACH YEAR OF A MULTIYEAR CONTRACT, SHALL INITIALLY BE BASED ON THE UNIVERSITY’S REASONABLE ESTIMATE OF THE AMOUNT OF CONSTRUCTION THAT THE UNIVERSITY BELIEVES IS LIKELY TO ACTUALLY BE DONE DURING THE FULL TERM OF THE CONTRACT OR DURING THE PARTICULAR YEAR OF A MULTIYEAR CONTRACT.

(2) EXCEPT THAT, FOR CMAR CONSTRUCTION SERVICES AND DB CONSTRUCTION SERVICES, THE AMOUNT OF THE PAYMENT BOND SHALL BE THE PRICE OF CONSTRUCTION, EXCLUDING THE COST OF ANY PROFESSIONAL SERVICES, PRECONSTRUCTION SERVICES, FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES AND ANY OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.

FIXED AMOUNT WITHIN A DESIGNATED TIME-FRAME.

c. FOR A DBB PROJECT, IF A CONTRACTOR FAILS TO DELIVER THE REQUIRED PAYMENT AND PERFORMANCE BONDS, THE CONTRACTOR'S BID SHALL BE REJECTED, THE CONTRACTOR'S BID SECURITY SHALL BE ENFORCED AND AWARD OF THE CONTRACT MAY BE MADE TO THE NEXT LOWEST BIDDER. THIS POLICY SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE UNIVERSITY TO REQUIRE A PAYMENT OR PERFORMANCE BOND OR IN CIRCUMSTANCES OTHER THAN AS SPECIFIED HEREIN.

2. ANY PERSON WHO FURNISHED LABOR OR MATERIAL TO THE CONTRACTOR OR ITS SUBCONTRACTORS FOR THE WORK PROVIDED IN THE CONTRACT IN RESPECT TO WHICH A PAYMENT BOND IS FURNISHED AND WHO IS NOT PAID IN FULL WITHIN NINETY (90) DAYS FROM THE DATE ON WHICH THE LAST OF THE LABOR WAS PERFORMED OR MATERIAL WAS SUPPLIED BY THE PERSON FOR WHOM THE CLAIM IS MADE, HAS THE RIGHT TO SUE ON THE PAYMENT BOND FOR ANY AMOUNT UNPAID AT THE TIME THE SUIT IS INSTITUTED AND TO PROSECUTE THE ACTION FOR THE AMOUNT DUE THE PERSON. HOWEVER, ANY PERSON WHO HAD A CONTRACT WITH A SUBCONTRACTOR OF THE CONTRACTOR, BUT NO EXPRESS OR IMPLIED CONTRACT WITH THE CONTRACTOR FURNISHING THE PAYMENT BOND, HAS A RIGHT OF ACTION ON THE PAYMENT BOND UPON GIVING THE CONTRACTOR A WRITTEN PRELIMINARY TWENTY-DAY (20) NOTICE AS PROVIDED FOR IN A.R.S. §33-992.01, SUBSECTION C, PARAGRAPHS 1, 2, 3 AND 4 AND SUBSECTIONS D, E AND I, AND UPON GIVING WRITTEN NOTICE TO THE CONTRACTOR WITHIN NINETY (90) DAYS FROM THE DATE ON WHICH THE LAST OF THE LABOR WAS PERFORMED OR MATERIAL WAS SUPPLIED BY THE PERSON FOR WHOM THE CLAIM IS MADE.

THE PERSON SHALL STATE IN THE NOTICE THE AMOUNT CLAIMED AND THE NAME OF THE PARTY FOR WHOM THE LABOR WAS PERFORMED OR TO WHOM THE MATERIAL WAS SUPPLIED. THE NOTICE SHALL BE PERSONALLY SERVED OR SENT BY REGISTERED MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO THE CONTRACTOR AT ANY PLACE THE CONTRACTOR MAINTAINS AN OFFICE OR
CONDUCTS BUSINESS.

3. ANY SUIT INSTITUTED ON A PAYMENT BOND SHALL BE BROUGHT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE CONSTRUCTION CONTRACT WAS TO BE PERFORMED, BUT NO SUIT MAY BE COMMENCED LATER THAN ONE (1) YEAR AFTER THE DATE ON WHICH THE LAST OF THE LABOR WAS PERFORMED OR MATERIAL WAS SUPPLIED BY THE PERSON BRINGING THE SUIT. THE UNIVERSITY NEED NOT BE JOINED AS A PARTY IN THE SUIT.

F. CONTRACT PAYMENT RETENTION

1. TEN (10) PERCENT OF ALL CONSTRUCTION CONTRACT PAYMENTS SHALL BE RETAINED BY A UNIVERSITY AS INSURANCE OF PROPER PERFORMANCE OF A CONTRACT OR, AT THE OPTION OF THE CONTRACTOR, A SUBSTITUTE SECURITY MAY BE PROVIDED BY THE CONTRACTOR IN AN AUTHORIZED FORM PURSUANT TO A POLICY ADOPTED BY THE BOARD OR PURSUANT TO A UNIVERSITY POLICIES AND PROCEDURES. WHEN THE CONTRACT IS FIFTY (50) PERCENT COMPLETED, ONE-HALF (1/2) OF THE AMOUNT RETAINED SHALL BE PAID TO THE CONTRACTOR BY THE UNIVERSITY PROVIDED THAT THE UNIVERSITY HAS DETERMINED THAT THE CONTRACTOR IS MAKING SATISFACTORY PROGRESS ON THE CONTRACT AND THERE IS NO SPECIFIC CAUSE OR CLAIM REQUIRING A GREATER AMOUNT TO BE RETAINED. AFTER THE CONTRACT IS FIFTY (50) PERCENT COMPLETED, NO MORE THAN FIVE (5) PERCENT OF THE AMOUNT OF ANY SUBSEQUENT PROGRESS PAYMENTS MADE UNDER THE CONTRACT SHALL BE RETAINED BY THE UNIVERSITY PROVIDED THAT THE UNIVERSITY HAS DETERMINED THAT THE CONTRACTOR IS MAKING SATISFACTORY PROGRESS ON THE PROJECT, BUT IF AT ANY TIME THE UNIVERSITY DETERMINES SATISFACTORY PROGRESS IS NOT BEING MADE, THEN TEN (10) PERCENT RETENTION MAY BE REINSTATED FOR ALL PROGRESS PAYMENTS MADE UNDER THE CONTRACT SUBSEQUENT TO THAT DETERMINATION. THE CONTRACTOR IS ENTITLED TO ALL INTEREST FROM ANY SUBSTITUTE SECURITY. ANY RETENTION SHALL BE PAID OR SUBSTITUTE SECURITY SHALL BE RETURNED TO THE CONTRACTOR WITHIN SIXTY (60) DAYS AFTER FINAL COMPLETION AND ACCEPTANCE OF WORK UNDER THE CONTRACT. RETENTION OF PAYMENTS BY A UNIVERSITY LONGER THAN SIXTY (60) DAYS AFTER FINAL COMPLETION
AND ACCEPTANCE REQUIRES A SPECIFIC WRITTEN FINDING BY THE UNIVERSITY OF THE REASONS JUSTIFYING THE DELAY IN PAYMENT. A UNIVERSITY MAY NOT RETAIN ANY MONIES AFTER SIXTY (60) DAYS WHICH ARE IN EXCESS OF THE AMOUNT NECESSARY TO PAY THE EXPENSES THE UNIVERSITY REASONABLY EXPECTS TO INCUR IN ORDER TO PAY OR DISCHARGE THE EXPENSES DETERMINED BY THE FINDING JUSTIFYING THE RETENTION OF MONIES. A UNIVERSITY SHALL NOT ACCEPT ANY SUBSTITUTE SECURITY UNLESS ACCOMPANIED BY A SIGNED AND ACKNOWLEDGED WAIVER OF ANY RIGHT OR POWER OF THE OBLIGOR TO SET OFF ANY CLAIM AGAINST EITHER THE UNIVERSITY OR THE CONTRACTOR IN RELATIONSHIP TO THE SECURITY ASSIGNED. IN ANY INSTANCE IN WHICH THE UNIVERSITY ACCEPTS SUBSTITUTE SECURITY AS PROVIDED IN THIS ABOR POLICY 3-804F, ANY SUBCONTRACTOR UNDERTAKING TO PERFORM ANY PART OF THE CONTRACT IS ENTITLED TO PROVIDE SUCH SUBSTITUTE SECURITY TO THE CONTRACTOR.

2. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN ABOR POLICY:

a. THERE SHALL BE NO RETENTION FOR JOC CONSTRUCTION SERVICES CONTRACTS AND THE UNIVERSITY MAY ELECT TO HAVE NO RETENTION FOR CMAR AND DB CONSTRUCTION SERVICES

b. THIS POLICY APPLIES ONLY TO AMOUNTS PAYABLE IN A CONSTRUCTION SERVICES CONTRACT FOR CONSTRUCTION AND DOES NOT APPLY TO AMOUNTS PAYABLE IN A CONSTRUCTION SERVICES CONTRACT FOR PROFESSIONAL SERVICES, PRECONSTRUCTION SERVICES, FINANCE SERVICES, MAINTENANCE SERVICES, OPERATIONS SERVICES AND ANY OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.

G. PROGRESS PAYMENT

1. PROGRESS PAYMENTS MAY BE MADE BY A UNIVERSITY TO THE CONTRACTOR ON A MONTHLY BASIS AFTER RECEIPT OF A CERTIFIED AND APPROVED ESTIMATE OF THE WORK PERFORMED DURING A PRECEDING PERIOD OF TIME, EXCEPT THAT A PERCENTAGE OF ALL ESTIMATES SHALL BE RETAINED AS AND TO THE EXTENT PROVIDED IN ABOR POLICY 3-804F. THE PROGRESS PAYMENTS SHALL BE PAID
ON OR BEFORE FOURTEEN (14) DAYS AFTER THE ESTIMATE OF THE WORK IS CERTIFIED AND APPROVED. THE ESTIMATE OF THE WORK SHALL BE DEEMED RECEIVED BY THE UNIVERSITY ON SUBMISSION IN PROPER FORM TO ANY PERSON DESIGNATED BY THE UNIVERSITY FOR THE SUBMISSION, REVIEW AND APPROVAL OF THE ESTIMATE OF THE WORK. AN ESTIMATE OF THE WORK SUBMITTED UNDER THIS PARAGRAPH SHALL BE DEEMED APPROVED AND CERTIFIED AFTER SEVEN (7) DAYS FROM THE DATE OF SUBMISSION UNLESS BEFORE THAT TIME THE UNIVERSITY OR UNIVERSITY’S AGENT PREPARES AND ISSUES A SPECIFIC WRITTEN FINDING DETAILING THOSE ITEMS IN THE ESTIMATE OF THE WORK THAT ARE NOT APPROVED AND CERTIFIED UNDER THE CONTRACT. THE UNIVERSITY MAY WITHHOLD AN AMOUNT FROM THE PROGRESS PAYMENT SUFFICIENT TO PAY THE EXPENSES THE UNIVERSITY REASONABLY EXPECTS TO INCUR IN CORRECTING THE DEFICIENCY SET FORTH IN THE WRITTEN FINDING. ON COMPLETION AND ACCEPTANCE OF SEPARATE DIVISIONS OF THE CONTRACT ON WHICH THE PRICE IS STATED SEPARATELY IN THE CONTRACT, PAYMENT MAY BE MADE IN FULL INCLUDING RETAINED PERCENTAGES, LESS DEDUCTIONS, UNLESS A SUBSTITUTE SECURITY HAS BEEN PROVIDED. NO CONTRACT FOR CONSTRUCTION MAY MATERIALLY ALTER THE RIGHTS OF ANY CONTRACTOR, SUBCONTRACTOR OR MATERIAL SUPPLIER TO RECEIVE PROMPT AND TIMELY PAYMENT AS PROVIDED UNDER THIS SECTION.

2. THE CONTRACTOR SHALL PAY ITS SUBCONTRACTORS AND MATERIAL SUPPLIERS, AND EACH SUBCONTRACTOR SHALL PAY ITS SUBCONTRACTORS OR MATERIAL SUPPLIERS, WITHIN SEVEN (7) DAYS OF RECEIPT OF EACH PROGRESS PAYMENT, UNLESS OTHERWISE AGREED IN WRITING BY THE PARTIES, THE RESPECTIVE AMOUNTS ALLOWED THE CONTRACTOR OR SUBCONTRACTOR ON ACCOUNT OF THE WORK PERFORMED BY THE CONTRACTOR’S OR SUBCONTRACTOR’S SUBCONTRACTORS, TO THE EXTENT OF EACH SUCH SUBCONTRACTOR’S INTEREST THEREIN, EXCEPT THAT NO CONTRACT FOR CONSTRUCTION MAY MATERIALLY ALTER THE RIGHTS OF ANY CONTRACTOR, SUBCONTRACTOR OR MATERIAL SUPPLIER TO RECEIVE PROMPT AND TIMELY PAYMENT AS PROVIDED UNDER THIS SECTION. THESE PAYMENTS TO SUBCONTRACTORS OR MATERIAL SUPPLIERS SHALL BE BASED ON PAYMENTS RECEIVED PURSUANT TO THIS SECTION. THE
SUBCONTRACTOR OR MATERIAL SUPPLIER SHALL NOTIFY THE REGISTRAR OF CONTRACTORS AND THE UNIVERSITY IN WRITING OF ANY PAYMENT LESS THAN THE AMOUNT OR PERCENTAGE APPROVED FOR THE CLASS OR ITEM OF WORK AS SET FORTH IN ABOR POLICY 3-804.

3. A SUBCONTRACTOR MAY NOTIFY THE UNIVERSITY IN WRITING REQUESTING THAT THE SUBCONTRACTOR BE NOTIFIED BY THE UNIVERSITY IN WRITING WITHIN FIVE (5) DAYS FROM THE PAYMENT OF EACH PROGRESS PAYMENT MADE TO THE CONTRACTOR. THE SUBCONTRACTOR'S REQUEST REMAINS IN EFFECT FOR THE DURATION OF THE SUBCONTRACTOR'S WORK ON THE PROJECT.

4. NOTHING IN THIS CODE PREVENTS THE CONTRACTOR OR SUBCONTRACTOR, AT THE TIME OF APPLICATION AND CERTIFICATION TO THE UNIVERSITY OR CONTRACTOR, FROM WITHHOLDING SUCH APPLICATION AND CERTIFICATION TO THE UNIVERSITY OR CONTRACTOR FOR PAYMENT TO THE SUBCONTRACTOR OR MATERIALS SUPPLIER FOR UNSATISFACTORY JOB PROGRESS, DEFECTIVE CONSTRUCTION WORK OR MATERIALS NOT REMEDIED, DISPUTED WORK OR MATERIALS, THIRD PARTY CLAIMS FILED OR REASONABLE EVIDENCE THAT A CLAIM WILL BE FILED, FAILURE OF A SUBCONTRACTOR TO MAKE TIMELY PAYMENTS FOR LABOR, EQUIPMENT AND MATERIALS, DAMAGE TO THE CONTRACTOR OR ANOTHER SUBCONTRACTOR, REASONABLE EVIDENCE THAT THE SUBCONTRACT CANNOT BE COMPLETED FOR THE UNPAID BALANCE OF THE SUBCONTRACT SUM, OR A REASONABLE AMOUNT FOR RETENTION THAT DOES NOT EXCEED THE ACTUAL PERCENTAGE RETAINED BY THE UNIVERSITY.

5. IF ANY PAYMENT TO A CONTRACTOR IS DELAYED AFTER THE DATE DUE, INTEREST SHALL BE PAID AT THE RATE OF ONE (1) PERCENT PER MONTH OR A FRACTION OF THE MONTH ON SUCH UNPAID BALANCE AS MAY BE DUE.

6. IF ANY PERIODIC OR FINAL PAYMENT TO A SUBCONTRACTOR IS DELAYED BY MORE THAN SEVEN (7) DAYS AFTER RECEIPT OF PERIODIC OR FINAL PAYMENT BY THE CONTRACTOR OR A SUBCONTRACTOR, THE CONTRACTOR OR SUBCONTRACTOR SHALL PAY THE SUBCONTRACTOR OR SUBCONTRACTOR'S SUBCONTRACTOR OR MATERIAL SUPPLIER INTEREST, BEGINNING ON THE EIGHTH (8TH ) DAY, AT THE RATE OF ONE
(1) PERCENT PER CALENDAR MONTH OR A FRACTION OF A
CALENDAR MONTH ON SUCH UNPAID BALANCE AS MAY BE
DUE.

7. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS
CODE, THIS ABOR POLICY 3-804G APPLIES ONLY TO
AMOUNTS PAYABLE IN A CONSTRUCTION SERVICES
CONTRACT FOR CONSTRUCTION AND DOES NOT APPLY TO
AMOUNTS PAYABLE IN A CONSTRUCTION SERVICES
CONTRACT FOR PROFESSIONAL SERVICES,
PRECONSTRUCTION SERVICES, FINANCE SERVICES,
MAINTENANCE SERVICES, OPERATIONS SERVICES OR ANY
OTHER RELATED SERVICES INCLUDED IN THE CONTRACT.
3-805 SPECIFICATIONS

A. DUTIES OF CHIEF PROCUREMENT OFFICER WITH RESPECT TO SPECIFICATIONS

1. THE CPO SHALL, AS NECESSARY, ESTABLISH UNIVERSITY POLICIES AND PROCEDURES CONSISTENT WITH THIS CODE AND OTHER BOARD POLICIES GOVERNING THE PREPARATION, MAINTENANCE AND CONTENT OF SPECIFICATIONS FOR MATERIALS, SERVICES, CONSTRUCTION, AND CONSTRUCTION SERVICES REQUIRED BY A UNIVERSITY.

2. PURSUANT TO THE GOVERNOR’S OFFICE OF ENERGY POLICY, THE CPO SHALL ESTABLISH SPECIFICATIONS BASED ON CONSIDERATIONS OF ENERGY CONSERVATION FOR THE PROCUREMENT OF SELECTED ENERGY CONSUMPTIVE MATERIAL.

3. NOTWITHSTANDING ANYTHING ELSE IN THIS CODE, ALL SOLICITATIONS FOR VOLATILE ORGANIC COMPOUND CONTAINING COMMODITIES SHALL INCLUDE A REQUEST FOR SUBSTITUTE COMMODITIES WITH LOWER OR NO VOLATILE ORGANIC CONTENT. SUBSTITUTE PRODUCTS SHALL NOT HAVE INCREASED TOXICITY COMPARED TO THE ORIGINAL COMMODITY.

B. MAXIMUM PRACTICABLE COMPETITION

1. ALL SPECIFICATIONS, INCLUDING THOSE PREPARED BY DESIGN PROFESSIONALS, CONSULTANTS AND OTHERS FOR UNIVERSITY CONTRACTS, SHALL SEEK TO PROMOTE OVERALL ECONOMY FOR THE PURPOSES INTENDED, ENCOURAGE COMPETITION IN SATISFYING THE UNIVERSITY’S NEEDS, AND SHALL NOT BE UNDULY RESTRICTIVE.

2. WHERE BRAND NAME ONLY IS SPECIFIED, THE REASONS FOR THIS SHALL BE DOCUMENTED IN THE PROCUREMENT FILE AND APPROVED BY THE CPO OR DESIGNEE.

3. BRAND NAME OR EQUIVALENT SPECIFICATIONS FOR GOODS ANTICIPATED TO COST MORE THAN ONE HUNDRED THOUSAND DOLLARS ($100,000) SHALL IDENTIFY KEY FEATURES OF THE GOODS UNLESS THE REASONS FOR NOT DOING SO ARE DOCUMENTED AND APPROVED BY THE CPO

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OR DESIGNEE.

C. CONFLICT OF INTEREST

1. NO PERSON PREPARING OR ASSISTING IN THE PREPARATION OF SPECIFICATIONS, PLANS, OR SCOPES OF WORK SHALL RECEIVE ANY DIRECT BENEFIT FROM THE UTILIZATION OF THOSE SPECIFICATION, PLANS, OR SCOPES OF WORK.

2. THE CPO MAY WAIVE THE RESTRICTION SET FORTH IN SUBSECTION (1) OF THIS ABOR POLICY 3-805C IF THE CPO DETERMINES IN WRITING THAT THE RULE’S APPLICATION WOULD NOT BE IN THE UNIVERSITY’S BEST INTEREST. THE DETERMINATION SHALL STATE THE SPECIFIC REASONS THAT THE RESTRICTION HAS BEEN WAIVED.
A. GENERAL REQUIREMENTS

1. THE CPO MAY PERMIT OR REQUIRE THE INCLUSION OF CLAUSES PROVIDING FOR APPROPRIATE REMEDIES, ADJUSTMENTS IN PRICES, TIME OF PERFORMANCE OR OTHER CONTRACT PROVISIONS.

2. THE CPO MAY MODIFY CLAUSES FOR INCLUSION IN ANY PARTICULAR CONTRACT, PROVIDED THAT ANY VARIATIONS ARE SUPPORTED BY A WRITTEN DETERMINATION THAT STATES THE CIRCUMSTANCES JUSTIFYING THE VARIATION AND PROVIDED THAT NOTICE OF ANY MATERIAL VARIATION IN A SOLICITATION IS STATED IN THE SOLICITATION.

3. ALL CONTRACT CLAUSES SHALL BE CONSISTENT WITH THE PROVISIONS OF BOARD POLICY AND APPLICABLE LAW.

B. STANDARD CONTRACTS FOR CONSTRUCTION PROJECTS

1. STANDARD CONTRACTS APPROVED BY BOARD COUNSEL OR UNIVERSITY COUNSEL SHALL BE USED FOR THE PROCUREMENT OF DESIGN SERVICES, CONSTRUCTION, AND CONSTRUCTION SERVICES. TO THE EXTENT POSSIBLE, STANDARD CONTRACTS WILL BE APPROVED BY BOARD COUNSEL FOR THE USE OF ALL UNIVERSITIES; IF A STANDARD CONTRACT HAS NOT BEEN APPROVED BY BOARD COUNSEL FOR THE TYPE OF DESIGN SERVICES, CONSTRUCTION OR CONSTRUCTION SERVICES BEING PROCURED, THE PROCUREMENT OFFICER SHALL USE A STANDARD CONTRACT APPROVED BY UNIVERSITY COUNSEL FOR THAT TYPE OF PROCUREMENT.

2. VARIATIONS FROM THE TERMS OF STANDARD CONTRACTS MAY OCCUR WHEN NECESSARY TO ACCOMMODATE THE REQUIREMENTS OF A SPECIFIC PROJECT, PROVIDED THE VARIATIONS DO NOT MATERIALLY OR ADVERSELY AFFECT THE RIGHTS OR INTERESTS OF THE UNIVERSITY OR BOARD AND ARE APPROVED BY UNIVERSITY COUNSEL.

3. VARIATIONS WHICH IN THE OPINION OF UNIVERSITY COUNSEL OR BOARD COUNSEL MATERIALLY OR ADVERSELY CHANGE THE TERMS AND REQUIREMENTS OF THE STANDARD CONTRACTS REQUIRE PRIOR APPROVAL BY BOARD COUNSEL.
C. PROFESSIONAL LIABILITY INSURANCE

1. CONTRACTS FOR THE PROCUREMENT OF DESIGN SERVICES SHALL INCLUDE, IN ADDITION TO ANY OTHER INSURANCE REQUIREMENTS, PROFESSIONAL LIABILITY INSURANCE PROVIDING FOR ERRORS AND OMISSIONS COVERAGE FOR THE BENEFIT OF THE BOARD AND UNIVERSITY IN AN AMOUNT WHICH IS REASONABLE FOR ANY PROJECT WHOSE TOTAL COST IS ESTIMATED AT TWO MILLION DOLLARS ($2,000,000) OR LESS, AND IN THE MINIMUM AMOUNT OF ONE MILLION DOLLARS ($1,000,000) FOR ANY PROJECT WHOSE TOTAL COST IS ESTIMATED TO BE GREATER THAN TWO MILLION DOLLARS ($2,000,000).

2. CONTRACTS FOR THE PROCUREMENT OF CONSULTANT SERVICES NOT IN CONNECTION WITH A CONSTRUCTION PROJECT OR CONCERNING NONCONSTRUCTION ACTIVITIES MAY BE EXEMPT FROM PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS AT THE DISCRETION OF THE CPO.

D. COST PRINCIPLES

1. THE CPO AT EACH UNIVERSITY SHALL PROMULGATE UNIVERSITY POLICIES AND PROCEDURES THAT SET FORTH COST PRINCIPLES WHICH SHALL BE USED TO DETERMINE THE ALLOWABILITY AND ALLOCABILITY OF INCURRED COSTS FOR THE PURPOSE OF REIMBURSING COSTS UNDER CONTRACTS WHICH PROVIDE FOR THE REIMBURSEMENT OF COSTS.

E. INDEMNIFICATION

1. A COVENANT, CLAUSE OR UNDERSTANDING IN, COLLATERAL TO OR AFFECTING A CONSTRUCTION CONTRACT OR SUBCONTRACT THAT PURPORTS TO INDEMNIFY, TO HOLD HARMLESS OR TO DEFEND THE UNIVERSITY OF, FROM OR AGAINST LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE NEGLIGENCE OF THE UNIVERSITY OR THE UNIVERSITY’S AGENTS, EMPLOYEES OR INDEMNITEE IS AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.

2. IF A DESIGN PROFESSIONAL PROVIDES WORK, SERVICES, STUDIES, PLANNING, SURVEYS OR OTHER PREPARATORY
WORK IN CONNECTION WITH A UNIVERSITY BUILDING OR IMPROVEMENT, THE UNIVERSITY MAY REQUIRE THAT THE DESIGN PROFESSIONAL SERVICES CONTRACT OR SUBCONTRACT REQUIRE THE DESIGN PROFESSIONAL TO INDEMNIFY AND HOLD HARMLESS THE UNIVERSITY AND BOARD, AND THEIR OFFICERS AND EMPLOYEES, FROM LIABILITIES, DAMAGES, LOSSES AND COSTS, INCLUDING REASONABLE ATTORNEY FEES AND COURT COSTS, BUT ONLY TO THE EXTENT CAUSED BY THE NEGLIGENCE, RECKLESSNESS OR INTENTIONAL WRONGFUL CONDUCT OF SUCH DESIGN PROFESSIONAL OR OTHER PERSONS EMPLOYED OR USED BY SUCH DESIGN PROFESSIONAL IN THE PERFORMANCE OF THE CONTRACT OR SUBCONTRACT. A DESIGN PROFESSIONAL SERVICES SUBCONTRACT ENTERED INTO IN CONNECTION WITH A UNIVERSITY BUILDING OR IMPROVEMENT MAY ALSO REQUIRE ANY DESIGN PROFESSIONAL TO INDEMNIFY AND HOLD HARMLESS THE UNIVERSITY OR BOARD AND THE INDEMNIFIED DESIGN PROFESSIONAL WHO EXECUTED THE SUBCONTRACT, AND THEIR RESPECTIVE OWNERS, OFFICERS AND EMPLOYEES, FROM LIABILITIES, DAMAGES, LOSSES AND COSTS, INCLUDING REASONABLE ATTORNEY FEES AND COURT COSTS, BUT ONLY TO THE EXTENT CAUSED BY THE NEGLIGENCE, RECKLESSNESS OR INTENTIONAL WRONGFUL CONDUCT OF SUCH DESIGN PROFESSIONAL, OR PERSONS EMPLOYED OR USED BY THE INDEMNIFYING DESIGN PROFESSIONAL IN CONNECTION WITH THE SUBCONTRACT. NOTHING IN THIS SECTION 3-806E SHALL PROHIBIT THE REQUIREMENT OF INSURANCE COVERAGE THAT COMPLIES WITH THIS CODE.

3. A COVENANT, CLAUSE OR UNDERSTANDING IN, COLLATERAL TO OR AFFECTING A DESIGN PROFESSIONAL SERVICES SUBCONTRACT THAT PURPORTS TO INDEMNIFY, TO HOLD HARMLESS OR TO DEFEND THE UNIVERSITY OF, FROM OR AGAINST LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE NEGLIGENCE OF THE UNIVERSITY OR THE UNIVERSITY’S AGENTS, EMPLOYEES OR INDEMNITEE IS AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.

4. EXCEPT AS PROVIDED IN THIS ABOR POLICY SECTION 3-806E.2, A DESIGN PROFESSIONAL SERVICES CONTRACT OR SUBCONTRACT ENTERED INTO IN CONNECTION WITH A UNIVERSITY BUILDING OR IMPROVEMENT SHALL NOT REQUIRE THAT A DESIGN PROFESSIONAL DEFEND,
INDEMNIFY, INSURE OR HOLD HARMLESS THE UNIVERSITY OR BOARD OR THEIR EMPLOYEES, OFFICERS, DIRECTORS, AGENTS, CONTRACTORS OR SUBCONTRACTORS FROM ANY LIABILITY, DAMAGE, LOSS, CLAIM, ACTION OR PROCEEDING, AND ANY CONTRACT PROVISION THAT IS NOT PERMITTED BY THIS ABOR POLICY 3-806E.2 IS AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.

5. NOTWITHSTANDING THE PROVISIONS OF ABOR POLICY 3-806E.1, A CONTRACTOR WHO IS RESPONSIBLE FOR THE PERFORMANCE OF A CONSTRUCTION CONTRACT OR SUBCONTRACT MAY FULLY INDEMNIFY A PERSON FOR WHOSE ACCOUNT THE CONSTRUCTION CONTRACT OR SUBCONTRACT IS NOT BEING PERFORMED AND THAT, AS AN ACCOMMODATION, ENTERS INTO AN AGREEMENT WITH THE CONTRACTOR THAT PERMITS THE CONTRACTOR TO ENTER ON OR ADJACENT TO ITS PROPERTY TO PERFORM THE CONSTRUCTION CONTRACT OR SUBCONTRACT FOR OTHERS.

6. IF ANY PROVISION OR CONDITION CONTAINED IN THIS ABOR POLICY 3-806E CONFLICTS WITH ANY PROVISION OF A CONTRACT BETWEEN THE UNIVERSITY AND THE FEDERAL GOVERNMENT, SUCH PROVISION OF THIS SECTION IN CONFLICT SHALL NOT APPLY TO ANY CONSTRUCTION CONTRACT OR SUBCONTRACT, OR DESIGN PROFESSIONAL SERVICES CONTRACT OR SUBCONTRACT TO THE EXTENT SUCH CONFLICT EXISTS, BUT ALL PROVISIONS OF THIS SECTION WITH WHICH THERE IS NO SUCH CONFLICT, SHALL APPLY.
A. POLICIES AND PROCEDURES

1. THE CPO SHALL PROMULGATE UNIVERSITY POLICIES AND PROCEDURES GOVERNING THE FOLLOWING, TO BE INCLUDED IN THE UNIVERSITY POLICIES AND PROCEDURES:

   a. THE ACQUISITION AND DISTRIBUTION OF FEDERAL SURPLUS MATERIALS.
   
   b. THE SALE, LEASE OR DISPOSAL OF SURPLUS MATERIALS BY PUBLIC AUCTION, COMPETITIVE SEALED BIDDING OR OTHER APPROPRIATE METHOD.
   
   c. THE PURCHASE OF ANY SUCH MATERIALS BY AN EMPLOYEE OF THE OWNING OR DISPOSING UNIVERSITY.
   
   d. THE TRANSFER OF EXCESS AND SURPLUS MATERIALS.
   
   e. THE TRADE-IN OF EXCESS OR SURPLUS MATERIALS.

2. EACH UNIVERSITY MAY ACQUIRE AND DISTRIBUTE FROM THE UNITED STATES GOVERNMENT SURPLUS MATERIALS AS MAY BE USABLE AND NECESSARY FOR PUBLIC PURPOSES.
A. AUTHORIZATION TO PARTICIPATE. ANY UNIVERSITY IS AUTHORIZED TO PARTICIPATE IN INTERGOVERNMENTAL PROCUREMENT PURSUANT TO ARS 41-2631, ET SEQ. AND THE IMPLEMENTING REGULATIONS AS SET FORTH IN ARIZONA ADMINISTRATIVE CODE.

B. DEFINITIONS

1. IN THIS ABOR POLICY 3-808, UNLESS THE CONTEXT OTHERWISE REQUIRES:

2. "CERTIFIED NONPROFIT AGENCY THAT SERVES INDIVIDUALS WITH DISABILITIES" MEANS A NONPROFIT ACTIVITY CENTER THAT SERVES INDIVIDUALS WITH SIGNIFICANT DISABILITIES AND THAT SATISFIES ALL OF THE FOLLOWING:

   a. IS ORGANIZED UNDER THE LAWS OF THIS STATE OR ANOTHER STATE, IS OPERATED IN THE INTEREST OF DISABLED INDIVIDUALS AND THE NET INCOME OF WHICH DOES NOT INURE IN WHOLE OR IN PART TO THE BENEFIT OF ANY SHAREHOLDER OR OTHER INDIVIDUAL.

   b. COMPLIES WITH ANY APPLICABLE OCCUPATIONAL HEALTH AND SAFETY STANDARD REQUIRED BY THE LAWS OF THE UNITED STATES AND THIS STATE.

3. "DISABLED INDIVIDUAL" MEANS AN INDIVIDUAL WHO, BECAUSE OF THE NATURE OF THE INDIVIDUAL’S DISABILITIES, IS NOT ABLE TO FULLY PARTICIPATE IN COMPETITIVE EMPLOYMENT AND FOR WHOM SPECIALIZED EMPLOYMENT AND TRAINING IS NECESSARY BY A QUALIFIED NONPROFIT ORGANIZATION THROUGH THE DEPARTMENT OF ECONOMIC SECURITY OR THE DEPARTMENT OF HEALTH SERVICES.

4. "COOPERATIVE PURCHASING" MEANS PROCUREMENT CONDUCTED BY, OR ON BEHALF OF, ONE OR MORE PUBLIC PROCUREMENT UNITS. THIS TERM DOES NOT MEAN ANY INTERNAL COOPERATIVE AGREEMENT OR CONSORTIUM AGREEMENT EXISTING ONLY BETWEEN AND AMONG THE BOARD AND/OR ONE OR MORE UNIVERSITIES.
5. "EXTERNAL PROCUREMENT ACTIVITY" MEANS ANY BUYING ORGANIZATION NOT LOCATED IN THIS STATE THAT WOULD QUALIFY AS A PUBLIC PROCUREMENT UNIT.

6. "LOCAL PUBLIC PROCUREMENT UNIT" MEANS ANY POLITICAL SUBDIVISION, ANY AGENCY, BOARD, DEPARTMENT OR OTHER INSTRUMENTALITY OF SUCH POLITICAL SUBDIVISION, AND ANY NONPROFIT CORPORATION CREATED SOLELY FOR THE PURPOSE OF ADMINISTERING A COOPERATIVE PURCHASE UNDER STATE LAW.

7. "NONPROFIT CORPORATION" MEANS ANY NONPROFIT CORPORATION AS DESIGNATED BY THE INTERNAL REVENUE SERVICE UNDER SECTION 501(C)(3) THROUGH 501 (C)(6) OR UNDER SECTION 115, IF CREATED BY TWO OR MORE LOCAL PUBLIC PROCUREMENT UNITS AND INCLUDES CERTIFIED NONPROFIT AGENCIES THAT SERVE INDIVIDUALS WITH DISABILITIES.

8. "PUBLIC PROCUREMENT UNIT" MEANS EITHER A LOCAL PUBLIC PROCUREMENT UNIT, THE ARIZONA DEPARTMENT OF ADMINISTRATION, ANY OTHER STATE, OR ANY AGENCY OF THE UNITED STATES.

C. COOPERATIVE PURCHASING AUTHORIZED

1. ANY UNIVERSITY MAY EITHER PARTICIPATE IN, SPONSOR, CONDUCT OR ADMINISTER A COOPERATIVE PURCHASING AGREEMENT FOR THE PROCUREMENT OF ANY MATERIALS, SERVICES, PROFESSIONAL SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES WITH ONE OR MORE PUBLIC PROCUREMENT UNITS, OR EXTERNAL PROCUREMENT ACTIVITIES, IN ACCORDANCE WITH AN AGREEMENT ENTERED INTO BETWEEN THE PARTICIPANTS. THE COOPERATIVE PURCHASING MAY INCLUDE JOINT OR MULTI-PARTY CONTRACTS BETWEEN PUBLIC PROCUREMENT UNITS AND OPEN-ENDED PUBLIC PROCUREMENT UNIT CONTRACTS THAT SHALL BE AVAILABLE TO LOCAL PUBLIC PROCUREMENT UNITS. A NONPROFIT CORPORATION MAY ENTER INTO AN AGREEMENT PURSUANT TO THIS SECTION IF ONE OR MORE OF THE PARTIES INVOLVED IS A PUBLIC PROCUREMENT UNIT. AN AGREEMENT ENTERED INTO AS PROVIDED IN THIS ABOR POLICY 3-808 IS EXEMPT FROM A.R.S. §11-952, SUBSECTION D.
2. **IF THE PUBLIC PROCUREMENT UNIT OR UNIVERSITY ADMINISTERING A COOPERATIVE PURCHASE COMPLIES WITH THE REQUIREMENTS OF STATE LAW OR THIS CODE, ANY PUBLIC PROCUREMENT UNIT OR UNIVERSITY PARTICIPATING IN SUCH A PURCHASE IS DEEMED TO HAVE COMPLIED WITH STATE LAW OR THIS CODE. A UNIVERSITY MAY NOT PARTICIPATE IN A COOPERATIVE PURCHASING AGREEMENT FOR THE PURPOSE OF CIRCUMVENTING THIS CODE.**

D. **A UNIVERSITY MAY PURCHASE APPROVED MATERIALS AND SERVICES DIRECTLY FROM ARIZONA INDUSTRIES FOR THE BLIND AND ARIZONA CORRECTIONAL ENTERPRISES WITHOUT COMPETITIVE BIDDING.**

E. **IF A PROCUREMENT INVOLVES THE EXPENDITURE OF FEDERAL ASSISTANCE OR CONTRACT MONIES, THE UNIVERSITY INVOLVED IN THE PROCUREMENT SHALL COMPLY WITH FEDERAL LAW AND AUTHORIZED REGULATIONS WHICH ARE MANDATORILY APPLICABLE AND WHICH ARE NOT PRESENTLY REFLECTED IN THIS CODE.**
A. DEFINITIONS. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AFFILIATE" MEANS ANY PERSON WHOSE GOVERNING INSTRUMENTS REQUIRE IT TO BE BOUND BY THE DECISION OF ANOTHER PERSON OR WHOSE GOVERNING BOARD INCLUDES ENOUGH VOTING REPRESENTATIVES OF THE OTHER PERSON TO CAUSE OR PREVENT ACTION, WHETHER OR NOT THE POWER IS EXERCISED. IT MAY ALSO INCLUDE PERSONS DOING BUSINESS UNDER A VARIETY OF NAMES, OR WHERE THERE IS A PARENT-SUBSIDIARY RELATIONSHIP BETWEEN PERSONS.

2. "CONTRACT CLAIM OR CONTROVERSY" MEANS A DISPUTE ARISING UNDER A CONTRACT GOVERNED BY THIS CODE BETWEEN A UNIVERSITY AND A CONTRACTOR, INCLUDING BUT NOT LIMITED TO A DISPUTE REGARDING OR PERTAINING TO THE OBLIGATIONS OF PARTIES TO THE CONTRACT, A DISPUTE REGARDING OR PERTAINING TO THE PERFORMANCE OF THOSE OBLIGATIONS, OR A CLAIM THAT ONE PARTY OWES THE OTHER A PAYMENT OF SOME KIND.

3. "DEBARMENT" MEANS AN ACTION TAKEN BY THE PRESIDENT, OR HIS OR HER DESIGNEE, UNDER SUBSECTION D BELOW TO PROHIBIT A PERSON PARTICIPATING IN PROCUREMENTS WITH A UNIVERSITY FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR NOR MORE THAN FIVE (5) YEARS.


5. "GOVERNING INSTRUMENTS" MEANS THOSE LEGAL DOCUMENTS THAT ESTABLISH THE EXISTENCE OF A BUSINESS AND DEFINE ITS POWERS, INCLUDING ARTICLES OF INCORPORATION, ORGANIZATION OR ASSOCIATION, CONSTITUTION, CHARTER, BYLAWS AND OTHER SIMILAR DOCUMENTS.
6. “PROTEST” MEANS A CHALLENGE, AS AUTHORIZED BY THE CODE, OF ANY UNIVERSITY PROCUREMENT, AWARD, OR PROPOSED AWARD OF A CONTRACT.

7. “PROTESTER” MEANS A PERSON WHO FILES A PROTEST.

8. "RECEIPT" OR "RECEIVED" MEANS DELIVERY TO THE LAST KNOWN ADDRESS OF THE ADDRESSEE TO WHOM THE DOCUMENT IS SENT. A DOCUMENT IS DEEMED TO HAVE BEEN RECEIVED BY THE ADDRESSEE IF PROPERLY SENT TO THE ADDRESSEE'S LAST KNOWN ADDRESS AND NOT RETURNED. THE DELIVERY DATE WILL BE FIVE (5) DAYS FROM THE DATE OF MAILING UNLESS THE ADDRESSEE CAN SHOW OTHERWISE.

9. "SUSPENSION" MEANS AN ACTION TAKEN BY A UNIVERSITY PRESIDENT OR DESIGNEE TO PROHIBIT A PERSON FROM PARTICIPATING IN PROCUREMENTS WITH ANY UNIVERSITY, FOR A PERIOD NOT TO EXCEED ONE (1) YEAR.

B. PROTESTS

1. DELEGATION OF AUTHORITY

   a. INITIAL REVIEW AND RESOLUTION OF PROTESTS SHALL BE CONDUCTED BY THE CPO OR DESIGNEE FOR A UNIVERSITY.

   b. FINAL DECISION ON APPEAL OF PROTESTS SHALL BE MADE BY THE UNIVERSITY PRESIDENT OR A DESIGNEE OTHER THAN THE CPO.

2. FILING OF PROTESTS

   a. ANY INTERESTED PARTY MAY PROTEST A SOLICITATION OR THE PROPOSED AWARD OR THE AWARD OF A CONTRACT BY FILING A PROTEST.

   b. TIME FOR FILING PROTEST

      (1) PROTESTS CONCERNING IMPROPRIETIES IN A SOLICITATION

      (a) IN PROCUREMENTS INVITING BIDS, PROTESTS BASED UPON ALLEGED ERRORS, IRREGULARITIES OR
IMPROPRIETIES IN A SOLICITATION THAT ARE APPARENT BEFORE THE BID OPENING SHALL BE FILED BEFORE THE BID OPENING.

(b) IN ALL OTHER PROCUREMENTS, PROTESTS BASED UPON ALLEGED ERRORS, IRREGULARITIES OR IMPROPRIETIES IN A SOLICITATION THAT ARE APPARENT BEFORE THE CLOSING DATE FOR RECEIPT OF INITIAL PROPOSALS SHALL BE FILED BEFORE THE CLOSING DATE FOR RECEIPT OF INITIAL PROPOSALS. PROTESTS CONCERNING IMPROPRIETIES THAT DO NOT EXIST IN THE INITIAL SOLICITATION, BUT THAT ARE SUBSEQUENTLY INCORPORATED INTO THE SOLICITATION, SHALL BE FILED BY THE NEXT CLOSING DATE FOR RECEIPT OF PROPOSALS FOLLOWING THE DATE THE IMPROPRIETIES WERE INCORPORATED INTO THE SOLICITATION.

(2) IN CASES OTHER THAN THOSE COVERED IN SUBSECTION (1) ABOVE, PROTESTS SHALL BE FILED NO LATER THAN TEN (10) DAYS AFTER THE EARLIER OF A) THE ISSUANCE OF A NOTICE OF INTENT TO AWARD OR B) AWARD OF A CONTRACT IN CONNECTION WITH THE PROCUREMENT ACTION.

(3) FAILURE TO TIMELY FILE A PROTEST SHALL BE DEEMED A WAIVER OF ALL RIGHTS UNDER THIS CODE.

c. CONTENT OF A PROTEST

(1) THE PROTEST SHALL BE IN WRITING AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(2) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROTESTER;

(3) THE SIGNATURE OF THE PROTESTER OR ITS REPRESENTATIVE;
(4) IDENTIFICATION OF THE UNIVERSITY AND THE SOLICITATION OR CONTRACT NUMBER;

(5) A DETAILED STATEMENT OF THE LEGAL AND FACTUAL GROUNDS OF THE PROTEST INCLUDING COPIES OF RELEVANT DOCUMENTS; AND

(6) THE FORM OF RELIEF REQUESTED.

d. UPON RECEIPT OF THE PROTEST, THE CPO SHALL, WITHIN TEN (10) BUSINESS DAYS, GIVE NOTICE OF THE PROTEST TO ALL INTERESTED PARTIES.

e. STAY OF PROCUREMENTS DURING THE PROTEST

(1) IF A PROTEST IS FILED BEFORE THE AWARD OF A CONTRACT, NO AWARD SHALL BE MADE UNTIL THE PROTEST HAS BEEN RESOLVED, UNLESS THE CPO MAKES A WRITTEN DETERMINATION THAT THERE IS NOT A REASONABLE PROBABILITY THAT THE PROTEST WILL BE UPHELD OR THAT AWARD OF THE CONTRACT WITHOUT DELAY IS NECESSARY TO PROTECT SUBSTANTIAL INTERESTS OF THE UNIVERSITY.

f. PROTECTED INFORMATION

(1) MATERIALS SUBMITTED BY A PROTESTER SHALL NOT BE WITHHELD FROM ANY INTERESTED PARTY EXCEPT TO THE EXTENT THAT THE WITHHOLDING OF INFORMATION IS REQUIRED BY LAW OR IS PERMITTED BY LAW AND SPECIFICALLY REQUESTED BY THE PROTESTER.

(2) IF THE PROTESTER BELIEVES THE PROTEST CONTAINS MATERIAL THAT SHOULD BE WITHHELD, A STATEMENT ADVISING THE CPO OF THIS FACT SHALL ACCOMPANY THE NOTICE OF PROTEST AND THE INFORMATION SHALL BE SO IDENTIFIED WHEREVER IT APPEARS. THE CPO SHALL REVIEW THE STATEMENT AND INFORMATION AND SHALL DETERMINE WHETHER THE INFORMATION SHALL BE...
WITHHELD, AS SET FORTH IN ABOR POLICY 3-801D.

3. DECISION BY THE CHIEF PROCUREMENT OFFICER OR DESIGNEE

a. THE CPO OR DESIGNEE SHALL ISSUE A WRITTEN DECISION WITHIN TWENTY (20) DAYS OF RECEIPT OF THE PROTEST. THE DECISION SHALL BE SENT TO THE PROTESTER AND TO ALL INTERESTED PARTIES BY ANY METHOD THAT PROVIDES EVIDENCE OF RECEIPT.

b. THE DECISION SHALL CONTAIN AN EXPLANATION OF THE BASIS OF THE DECISION AND A STATEMENT EXPLAINING THE PROTESTER’S APPEAL RIGHTS.

c. THE TIME LIMIT FOR A DECISION MAY BE EXTENDED BY THE CPO FOR A REASONABLE TIME NOT TO EXCEED THIRTY (30) DAYS. THE CPO SHALL NOTIFY THE PROTESTER IN WRITING THAT THE TIME FOR THE ISSUANCE OF A DECISION HAS BEEN EXTENDED AND THE DATE BY WHICH A DECISION WILL BE ISSUED.

d. IF THE CPO OR DESIGNEE FAILS TO ISSUE A DECISION WITHIN THE TIME LIMITS SET FORTH ABOVE, THE PROTESTER MAY PROCEED AS IF THE CPO OR DESIGNEE HAD ISSUED AN ADVERSE DECISION.

e. REMEDIES

(1) IF THE CPO OR DESIGNEE SUSTAINS THE PROTEST IN WHOLE OR IN PART AND DETERMINES THAT A SOLICITATION, PROPOSED CONTRACT AWARD, OR CONTRACT AWARD DOES NOT COMPLY WITH THIS CODE OR THE UNIVERSITY POLICIES AND PROCEDURES, THE CPO SHALL IMPLEMENT AN APPROPRIATE REMEDY.

(2) IN DETERMINING AN APPROPRIATE REMEDY, THE CPO MUST CONSIDER ALL OF THE CIRCUMSTANCES SURROUNDING THE SOLICITATION, THE PROCUREMENT OR THE PROPOSED PROCUREMENT, INCLUDING, BUT NOT LIMITED TO:
(a) THE SERIOUSNESS OF THE PROCUREMENT DEFICIENCY;

(b) THE DEGREE OF PREJUDICE TO INTERESTED PARTIES OR TO THE INTEGRITY OF THE PROCUREMENT SYSTEM;

(c) THE GOOD FAITH OF THE PARTIES;

(d) THE EXTENT OF PERFORMANCE;

(e) THE COSTS TO THE UNIVERSITY;

(f) THE URGENCY OF THE PROCUREMENT;

(g) THE IMPACT ON THE UNIVERSITY’S MISSION; AND

(h) OTHER RELEVANT ISSUES.

(3) AN APPROPRIATE REMEDY MAY INCLUDE ONE OR MORE OF THE FOLLOWING:

(a) DECLINE TO EXERCISE AN OPTION TO RENEW UNDER THE CONTRACT;

(b) TERMINATE THE CONTRACT;

(c) AMEND OR REISSUE THE SOLICITATION;

(d) ISSUE A NEW SOLICITATION;

(e) AWARD A CONTRACT CONSISTENT WITH THIS CODE AND THE UNIVERSITY POLICIES AND PROCEDURES;

(f) REJECT ALL BIDS OR PROPOSALS WITHOUT FURTHER ACTION; OR

(g) RENDER SUCH OTHER RELIEF AS IS DETERMINED NECESSARY TO ENSURE COMPLIANCE WITH THIS CODE OR UNIVERSITY POLICIES AND PROCEDURES.

4. APPEAL TO THE PRESIDENT
a. IN THE EVENT THAT A PROTEST IS DENIED, THE PROTESTER MAY APPEAL FROM THE DECISION ENTERED OR DEEMED TO BE ENTERED BY THE CPO TO THE UNIVERSITY PRESIDENT WITHIN TEN (10) DAYS FROM THE DATE THE DECISION IS RECEIVED.

b. FINAL DECISION ON AN APPEAL TO THE PRESIDENT SHALL BE MADE BY THE PRESIDENT OR A DESIGNEE OTHER THAN THE CPO. ANY HEARING ON APPEAL SHALL BE CONDUCTED BY THE PRESIDENT OR DESIGNEE WHO HAS THE AUTHORITY TO MAKE A FINAL DECISION, OR BY A HEARING OFFICER APPOINTED BY THE PRESIDENT OR DESIGNEE.

c. THE NOTICE OF APPEAL SHALL CONTAIN:

   (1) THE INFORMATION SET FORTH IN ABOR POLICY 3-809B.2.C, INCLUDING THE IDENTIFICATION OF ANY CONFIDENTIAL INFORMATION IN THE MANNER SET FORTH IN ABOR POLICY 3-809B.2.F.

   (2) A COPY OF THE DECISION OF THE CPO; AND

   (3) THE PRECISE LEGAL OR FACTUAL ERROR IN THE DECISION THAT FORMS THE BASIS FOR THE APPEAL.

d. THE PERSON CONDUCTING THE APPEAL SHALL IMMEDIATELY GIVE WRITTEN NOTICE OF THE PENDING APPEAL TO THE APPARENT SUCCESSFUL CONTRACTOR IF AWARD HAS BEEN MADE OR, IF NO AWARD HAS BEEN MADE, TO ALL INTERESTED PARTIES. ANY PERSON SO NOTIFIED SHALL, UPON REQUEST, BE FURNISHED WITH A COPY OF THE NOTICE OF APPEAL FILED IN THE MATTER.

e. STAY OF PROCUREMENT DURING APPEAL

   (1) IF AN APPEAL IS FILED BEFORE AN AWARD OF CONTRACT AND THE AWARD OF THE CONTRACT WAS STAYED BY THE CPO PURSUANT TO ABOR POLICY 3-809.B.2.E, THE FILING OF AN APPEAL SHALL AUTOMATICALLY CONTINUE THE STAY UNLESS THE PERSON CONDUCTING THE

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APPEAL MAKES A WRITTEN DETERMINATION THAT THE AWARD OF THE CONTRACT WITHOUT DELAY IS NECESSARY TO PROTECT SUBSTANTIAL INTERESTS OF THE UNIVERSITY.


f. DISMISSAL BEFORE HEARING

THE PERSON CONDUCTING THE APPEAL MAY ENTER A WRITTEN DETERMINATION DISMISSING AN APPEAL IN WHOLE OR IN PART, IF:

(1) THE APPEAL DOES NOT STATE A VALID BASIS FOR PROTEST; OR

(2) THE APPEAL IS UNTIMELY.

(3) THE APPEAL ATTEMPTS TO RAISE ISSUES NOT RAISED IN THE PROTEST.

g. HEARING ON BID PROTEST DECISION

IF A HEARING ON AN APPEAL OF A SOLICITATION, CONTRACT AWARD OR PROPOSED CONTRACT AWARD DECISION IS REQUIRED, IT SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ABOR POLICY 3-809E AND F, EXCEPT THAT A PROTESTER MAY WAIVE HIS RIGHT TO A HEARING IN FAVOR OF A REVIEW BY THE HEARING OFFICER BASED SOLELY ON THE DOCUMENTATION AVAILABLE TO THE CPO.

h. REMEDIES

IF THE APPEAL IS SUSTAINED IN WHOLE OR IN PART, AND A DETERMINATION IS MADE THAT A SOLICITATION, PROPOSED AWARD, OR AWARD DOES NOT COMPLY WITH THIS CODE OR UNIVERSITY
Policies or procedures, an appropriate remedy shall be implemented pursuant to the provisions of Abor Policy 3-809.B.3.E.

C. Contract claims and controversies

1. Application. This Abor Policy 3-809 governs all contract claims and controversies arising out of a contract or procurement, regardless of whether they are initiated by a university or a contractor.

2. Delegation of authority
   a. Initial review and efforts to resolve or settle a contract claim or controversy shall be conducted by the CPO, except that any settlement of a contract claim or controversy in excess of one hundred thousand ($100,000) requires the prior written approval of the president or a designee other than the CPO.
   b. Final decision on an appeal to the president shall be made by the president or a designee other than the CPO. Any hearing on appeal shall be conducted by the official with authority to make a final decision, or by a hearing officer appointed by the official with authority to make a final decision.

3. Initiation of a contract claim or controversy
   a. A contract claim or controversy initiated by a university shall be made in writing to the contractor by the university’s CPO.
   b. A contract claim or controversy initiated by a contractor shall be filed in writing with the CPO within the time period set forth in the contract, but in no event later than one (1) year after the date on which the facts leading to the contract claim or controversy occurred.
c. THE CPO MAY REQUIRE THAT THE WORK OR PERFORMANCE UNDER THE CONTRACT PROCEED UNDER A RESERVATION OF RIGHTS SO AS NOT TO WAIVE THE RIGHT OF ANY PARTY IN THE MATTER.

d. THE CONTRACT CLAIM OR CONTROVERSY SHALL INCLUDE THE FOLLOWING INFORMATION:

(1) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CONTRACTOR;

(2) THE SIGNATURE OF THE CONTRACTOR OR ITS REPRESENTATIVE, OR THE UNIVERSITY’S REPRESENTATIVE IF THE CLAIM OR CONTROVERSY IS INITIATED BY THE UNIVERSITY;

(3) IDENTIFICATION OF THE UNIVERSITY AND THE CONTRACT NUMBER;

(4) A DETAILED STATEMENT OF THE LEGAL AND FACTUAL GROUNDS OF THE CONTRACT CLAIM OR CONTROVERSY INCLUDING COPIES OF RELEVANT DOCUMENTS; AND

(5) THE FORM OF RELIEF REQUESTED.

4. ATTEMPT TO RESOLVE BY MUTUAL AGREEMENT

a. IF A CONTRACT CLAIM OR CONTROVERSY INITIATED BY THE UNIVERSITY IS NOT RESOLVED BY MUTUAL AGREEMENT, THE CPO SHALL PROMPTLY REFER THE MATTER TO THE PRESIDENT FOR A HEARING FOLLOWING THE PROCEDURE FOR APPEAL OF CPO DECISIONS SPECIFIED IN ABOR POLICY 3-809C.6, BELOW.

b. IF A CONTRACT CLAIM OR CONTROVERSY INITIATED BY A CONTRACTOR CANNOT BE RESOLVED BY MUTUAL AGREEMENT, THE CPO SHALL ISSUE A FINAL DECISION PURSUANT TO ABOR POLICY 3-809C.5, BELOW.

5. CPO’S DECISION

IF A CONTRACT CLAIM OR CONTROVERSY CANNOT BE RESOLVED

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BY MUTUAL AGREEMENT THE CPO SHALL ISSUE A DECISION NO MORE THAN ONE HUNDRED AND TWENTY (120) DAYS AFTER RECEIPT OF THE CONTRACT CLAIM OR CONTROVERSY BY THE NON-INITIATING PARTY. BEFORE ISSUING A FINAL DECISION, THE CPO SHALL REVIEW THE FACTS PERTINENT TO THE CONTRACT CLAIM OR CONTROVERSY AND SECURE ANY NECESSARY ASSISTANCE FROM LEGAL, FISCAL, AND OTHER ADVISORS.

a. WHERE THE CONTRACT CLAIM OR CONTROVERSY EXCEEDS ONE HUNDRED THOUSAND DOLLARS ($100,000), THE TIME LIMIT FOR A FINAL DECISION MAY BE EXTENDED FOR A REASONABLE TIME NOT TO EXCEED THIRTY (30) DAYS. THE CPO SHALL NOTIFY THE CONTRACTOR IN WRITING THAT THE TIME FOR THE ISSUANCE OF A DECISION HAS BEEN EXTENDED AND THE DATE BY WHICH A DECISION SHALL BE ISSUED.

b. THE TIME LIMIT FOR A DECISION INVOLVING A CONTRACT CLAIM OR CONTROVERSY AMOUNTING TO ONE HUNDRED THOUSAND DOLLARS ($100,000) OR LESS MAY NOT BE EXTENDED.

c. IF THE CPO FAILS TO ISSUE A DECISION WITHIN THE PERMITTED TIME PERIOD, THE CONTRACTOR MAY PROCEED AS IF THE CPO HAD ISSUED AN ADVERSE DECISION AND MAY APPEAL PURSUANT TO ABOR POLICY 3-809C.6.

d. THE CPO SHALL FURNISH A COPY OF THE DECISION TO THE CONTRACTOR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY ANY OTHER METHOD THAT PROVIDES EVIDENCE OF RECEIPT. THE DECISION SHALL INCLUDE:

(1) A DESCRIPTION OF THE CONTRACT CLAIM OR CONTROVERSY;

(2) A REFERENCE TO THE PERTINENT CONTRACT PROVISIONS;

(3) A STATEMENT OF THE FACTUAL AREAS OF AGREEMENT OR DISAGREEMENT;

(4) A STATEMENT OF THE CPO'S DECISION, WITH SUPPORTING RATIONALE;
(5) A PARAGRAPH SUBSTANTIALLY AS FOLLOWS:

THIS IS THE FINAL DECISION OF THE CPO. THIS DECISION MAY BE APPEARED TO THE PRESIDENT OF THE UNIVERSITY OR BOARD, AS APPLICABLE. A CONTRACTOR SHALL MAIL OR OTHERWISE FURNISH WRITTEN NOTICE OF APPEAL TO THE PRESIDENT WITHIN FIFTEEN (15) DAYS FROM THE DATE OF RECEIPT OF THIS DECISION.

6. HEARING ON APPEAL TO THE PRESIDENT

   a. A WRITTEN NOTICE OF APPEAL FROM A FINAL DECISION OF A CPO ON A CONTRACT CLAIM OR CONTROVERSY MUST BE FILED WITH THE UNIVERSITY PRESIDENT WITHIN FIFTEEN (15) DAYS OF THE RECEIPT OF THE DECISION.

   b. FINAL DECISION ON AN APPEAL TO THE PRESIDENT SHALL BE MADE BY THE PRESIDENT OR A DESIGNEE APPOINTED BY THE PRESIDENT. THE PRESIDENT MAY NOT DESIGNATE THE CPO OR ANY PROCUREMENT OFFICER TO MAKE THE FINAL DECISION, BUT MAY DESIGNATE THAT THE HEARING OFFICER DO SO.

   c. HEARINGS ON APPEALS OF DECISIONS RELATED TO CONTRACT CLAIMS OR CONTROVERSIES SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ABOR POLICY 3-809E AND F. ANY HEARING ON APPEAL SHALL BE CONDUCTED BY THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION, OR BY A HEARING OFFICER APPOINTED BY THAT OFFICIAL.

D. DEBARMENT OR SUSPENSION

1. DELEGATION OF AUTHORITY

   a. A CPO OR OTHER DESIGNEE OF THE UNIVERSITY PRESIDENT HAS AUTHORITY PURSUANT TO ABOR POLICY 3-809D.2 TO PROPOSE ACTION TO SUSPEND OR DEBAR A PERSON, OR AFFECTED AFFILIATE, FROM PROCUREMENT ACTIVITY WITH ANY
UNIVERSITY.

b. A FINAL DECISION TO DEBAR OR SUSPEND A PERSON OR AN AFFECTED AFFILIATE FROM PARTICIPATING IN PROCUREMENTS SHALL BE MADE BY THE PRESIDENT OR DESIGNEE.

2. GROUNDS FOR SUSPENSION OR DEBARMENT. A PERSON OR AFFILIATE MAY BE SUSPENDED OR DEBARRED WHERE REASONABLE GROUNDS ARE FOUND TO EXIST. A SUSPENSION SHALL NOT EXCEED SIX (6) MONTHS, AND A DEBARMENT SHALL NOT EXCEED THREE (3) YEARS.

a. REASONABLE GROUNDS FOR SUSPENSION OR DEBARMENT INCLUDE THE FOLLOWING:

(1) CONVICTION OF ANY PERSON OR AFFILIATE FOR COMMISSION OF A CRIMINAL OFFENSE ARISING OUT OF OBTAINING OR ATTEMPTING TO OBTAIN A PUBLIC OR PRIVATE CONTRACT OR SUBCONTRACT, OR IN THE PERFORMANCE OF SUCH CONTRACT OR SUBCONTRACT.

(2) CONVICTION OF ANY PERSON OR AFFILIATE UNDER ANY STATUTE OF THE FEDERAL GOVERNMENT, THIS STATE OR ANY OTHER STATE FOR EMBEZZLEMENT, THEFT, FRAUDULENT SCHEMES AND ARTIFICES, FRAUDULENT SCHEMES AND PRACTICES, BID RIGGING, PERJURY, FORGERY, BRIBERY, FALSEIFICATION OR DESTRUCTION OF RECORDS, RECEIVING STOLEN PROPERTY OR ANY OTHER OFFENSE INDICATING A LACK OF BUSINESS INTEGRITY OR BUSINESS HONESTY WHICH AFFECTS RESPONSIBILITY AS A PUBLIC CONTRACTOR.

(3) CONVICTION OR CIVIL JUDGMENT FINDING A VIOLATION BY ANY PERSON OR AFFILIATE UNDER STATE OR FEDERAL ANTITRUST STATUTES.

(4) VIOLATIONS OF CONTRACT PROVISIONS OF A CHARACTER WHICH ARE DEEMED TO BE SO SERIOUS AS TO JUSTIFY DEBARMENT ACTION, SUCH AS ANY OF THE FOLLOWING:

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(a) KNOWINGLY FAILS WITHOUT GOOD CAUSE TO PERFORM IN ACCORDANCE WITH THE SPECIFICATIONS OR WITHIN THE TIME LIMIT PROVIDED IN THE CONTRACT.

(b) FAILURE TO PERFORM OR UNSATISFACTORY PERFORMANCE IN ACCORDANCE WITH THE TERMS OF ONE OR MORE CONTRACTS, EXCEPT THAT FAILURE TO PERFORM OR UNSATISFACTORY PERFORMANCE CAUSED BY ACTS BEYOND THE CONTROL OF THE CONTRACTOR SHALL NOT BE CONSIDERED TO BE A BASIS FOR DEBARMENT.

(c) ANY OTHER CAUSE DEEMED TO AFFECT RESPONSIBILITY AS A PUBLIC CONTRACTOR, INCLUDING SUSPENSION OR DEBARMENT OF SUCH PERSON OR AFFILIATE BY ANOTHER GOVERNMENTAL ENTITY.

3. IMPUTED KNOWLEDGE

a. IMPROPER CONDUCT, AS SET FORTH IN ABOR POLICY 3-809D.42 ABOVE, MAY BE IMPUTED TO AN AFFILIATE FOR PURPOSES OF SUSPENSION OR DEBARMENT WHERE THE IMPROPRIETY OCCURRED IN CONNECTION WITH THE AFFILIATE’S DUTIES FOR OR ON BEHALF OF, OR WITH THE KNOWLEDGE, APPROVAL, OR ACQUIESCENCE OF, THE PERSON.

b. IMPROPER CONDUCT, AS SET FORTH IN ABOR POLICY 3-809D.42 ABOVE, OF A PERSON OR AFFILIATE HAVING A CONTRACT WITH A CONTRACTOR MAY BE IMPUTED TO THE CONTRACTOR FOR PURPOSES OF DEBARMENT WHERE THE IMPROPRIETY OCCURRED IN CONNECTION WITH THE PERSON’S DUTIES FOR OR ON BEHALF OF, OR WITH THE KNOWLEDGE, APPROVAL, OR ACQUIESCENCE OF, THE CONTRACTOR.

4. DEBARMENT
a. INITIATION OF DEBARMENT ACTION. UPON RECEIPT OF INFORMATION CONCERNING A POSSIBLE CAUSE FOR DEBARMENT, THE CPO SHALL INVESTIGATE OR HAVE INVESTIGATED THE POSSIBLE CAUSE. IF THE CPO HAS A REASONABLE BASIS TO BELIEVE THAT A CAUSE FOR DEBARMENT EXISTS, THE CPO MAY PROPOSE DEBARMENT PROCEEDINGS BY FILING A PROPOSAL FOR DEBARMENT WITH THE PRESIDENT OR DESIGNEE.

b. NOTICE. IF DEBARMENT IS PROPOSED, THE CPO SHALL NOTIFY THE PERSON AND AFFECTED AFFILIATES IN WRITING WITHIN SEVEN (7) DAYS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR ANY OTHER METHOD THAT PROVIDES EVIDENCE OF RECEIPT. THE NOTICE SHALL STATE THAT THE PERSON AND AFFECTED AFFILIATES HAVE THE RIGHT TO A HEARING TO CONTEST THE PROPOSED DEBARMENT.

c. REQUEST FOR HEARING. THE PERSON PROPOSED FOR DEBARMENT AND ANY AFFECTED AFFILIATES SHALL FILE A WRITTEN REQUEST FOR A HEARING WITHIN TEN (10) DAYS OF RECEIPT OF THE CPO’s NOTICE OF PROPOSED DEBARMENT.

d. HEARING. THE HEARING SHALL BE CONDUCTED AS SET FORTH IN ABOR POLICY 3-809E AND F.

5. SUSPENSION AND DEBARMENT. EXCEPT AS PROVIDED IN ABOR POLICY 3-809D.5.B BELOW, IF SUSPENSION OR DEBARMENT IS PROPOSED, THE CPO SHALL NOTIFY THE PERSON AND AFFECTED AFFILIATES IN WRITING WITHIN SEVEN (7) DAYS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE PROPOSED SUSPENSION OR DEBARMENT. THE NOTICE OF SUSPENSION OR DEBARMENT SHALL STATE:

(1) THE BASIS FOR SUSPENSION OR DEBARMENT;

(2) THE PERIOD, INCLUDING DATES, OF THE SUSPENSION OR DEBARMENT;

(3) THAT OFFERS RECEIVED FROM THE PERSON WILL NOT BE CONSIDERED; AND
(4) THAT THE PERSON IS ENTITLED TO A HEARING ON THE SUSPENSION OR DEBARMENT IF THE PERSON FILES A WRITTEN REQUEST FOR A HEARING WITH THE CPO WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE NOTICE.

a. EXCEPT AS PROVIDED IN ABOR POLICY 3-809D.5.B BELOW, IF SUSPENSION OR DEBARMENT OF AN AFFILIATE IS ALSO PROPOSED IN THE NOTICE OF SUSPENSION OR DEBARMENT, THE AFFILIATE SHALL HAVE A RIGHT TO APPEAR IN ANY HEARING ON THE PROPOSED SUSPENSION OR DEBARMENT TO SHOW MITIGATING CIRCUMSTANCES. THE AFFILIATE MUST ADVISE THE CPO IN WRITING, WITHIN THIRTY (30) DAYS OF RECEIPT OF THE NOTICE, OF ITS INTENTION TO PARTICIPATE IN THE SUSPENSION OR DEBARMENT PROCESS. FAILURE TO PROVIDE WRITTEN NOTICE OF PARTICIPATION WITHIN THIS PERIOD SHALL BE A WAIVER OF THE RIGHT TO PARTICIPATE.

b. THE CPO, UPON NOTICE, MAY SUSPEND OR DEBAR A PERSON OR AFFILIATE UNDER SUSPENSION OR DEBARMENT BY THE STATE OR ANY FEDERAL PROCUREMENT AGENCY WHO HAS HAD A PRIOR OPPORTUNITY FOR HEARING IN CONNECTION WITH THE SUSPENSION OR DEBARMENT BY THE STATE OR ANY FEDERAL PROCUREMENT AGENCY. THE PERIOD OF SUCH SUSPENSION OR DEBARMENT FROM PROCUREMENT WITH THE UNIVERSITY SHALL RUN CONCURRENTLY WITH THE SUSPENSION OR DEBARMENT BY THE STATE OR FEDERAL PROCUREMENT AGENCY.

6. REINSTATEMENT AFTER DEBARMENT

a. A REQUEST FOR REINSTATEMENT SHALL NOT BE CONSIDERED UNTIL AT LEAST ONE (1) YEAR AFTER THE EFFECTIVE DATE OF THE DEBARMENT. AT THAT TIME, THE CPO MAY REINSTATE A DEBARRED PERSON OR AFFILIATE OR RESCIND THE DEBARMENT UPON A DETERMINATION THAT THE CAUSE UPON WHICH THE DEBARMENT IS BASED NO LONGER EXISTS OR HAS BEEN SUBSTANTIALLY MITIGATED.

b. ANY DEBARRED PERSON OR AFFILIATE MAY REQUEST
REINSTATEMENT BY SUBMITTING A PETITION TO THE CPO SUPPORTED BY DOCUMENTARY EVIDENCE SHOWING THAT THE CAUSE FOR DEBARMENT NO LONGER EXISTS OR HAS BEEN SUBSTANTIALLY MITIGATED.

c. THE CPO MAY REQUIRE A HEARING ON THE REQUEST FOR REINSTATEMENT.

d. THE CPO SHALL MAKE A WRITTEN DECISION ON REINSTATEMENT WITHIN THIRTY (30) DAYS AFTER THE REQUEST IS FILED AND SPECIFY THE FACTORS ON WHICH IT IS BASED.

e. DECISIONS ON REINSTATEMENT REQUESTS ARE NOT SUBJECT TO APPEAL.

7. LIMITED PARTICIPATION

(1) A UNIVERSITY MAY ALLOW A DEBARRED PERSON OR AFFILIATE TO PARTICIPATE IN CONTRACTS WITH THE UNIVERSITY ON A LIMITED BASIS DURING THE DEBARMENT PERIOD UPON A WRITTEN DETERMINATION THAT PARTICIPATION IS ADVANTAGEOUS TO THE UNIVERSITY. THE DETERMINATION SHALL SPECIFY THE FACTORS ON WHICH IT IS BASED AND DEFINE THE EXTENT OF THE LIMITS IMPOSED.

8. HEARING PROCEDURE

(1) HEARINGS REQUIRED OR PERMITTED UNDER THIS ABOR POLICY 3-809 SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ABOR POLICY 3-809.E BELOW.

E. AUTHORITY OF HEARING OFFICER OR OFFICIAL CONDUCTING HEARING

1. ANY HEARING REQUIRED OR PERMITTED UNDER THIS ABOR POLICY 3-809 SHALL BE CONDUCTED BY THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION, OR BY A HEARING OFFICER APPOINTED BY THAT OFFICIAL.

2. A DECISION BY A HEARING OFFICER OR BY THE OFFICIAL
WITH AUTHORITY TO MAKE A FINAL DECISION SHALL BE BASED ON THE EVIDENCE PRESENTED AT HEARING AND SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF THE HEARING OFFICER DOES NOT HAVE AUTHORITY TO MAKE A FINAL DECISION, THE HEARING OFFICER’S DECISION AND FINDINGS OF FACT AND CONCLUSIONS OF LAW WILL BE IN THE FORM OF A RECOMMENDATION TO THE OFFICIAL WITH AUTHORITY TO MAKE THE FINAL DECISION.

3. A DECISION BY A HEARING OFFICER SHALL ONLY CONSTITUTE A RECOMMENDATION TO BE SUBMITTED TO THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION UNLESS THE PRESIDENT, WHEN APPOINTING THE HEARING OFFICER, ALSO AUTHORIZES THE HEARING OFFICER TO MAKE A FINAL DECISION.

4. A HEARING OFFICER OR OTHER OFFICIAL CONDUCTING ANY HEARING UNDER THIS CODE SHALL HAVE SUCH POWERS AND DUTIES AS ARE SET FORTH IN THIS ABOR POLICY 3-809 AND SHALL HAVE ALL OTHER POWERS AND AUTHORITY THAT AN ADMINISTRATIVE LAW JUDGE POSSESSES UNDER A.R.S. 41-1092.07

F. GENERAL HEARING PROCEDURES

1. ALL HEARINGS REQUIRED OR PERMITTED UNDER THESE RULES SHALL BE CONDUCTED AS CONTESTED CASES PURSUANT TO THESE RULES AND THE PROVISIONS OF A.R.S. 41-1092 ET SEQ.

2. IT IS THE INTENTION OF THIS ABOR POLICY 3-809.F TO IMPLEMENT A HEARING PROCESS SUBSTANTIALLY EQUIVALENT TO THAT PROVIDED IN A.R.S. 41-1092, ET SEQ., AND THE REGULATIONS ADOPTED THEREUNDER, FOR HEARINGS CONDUCTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS. IF A PROCEDURE OR PROCESS IS NOT PROVIDED BY THIS ABOR POLICY 3-809F, THE PREHEARING AND HEARING PROCEDURES USED BY THE OFFICE OF ADMINISTRATIVE HEARINGS MAY BE CONSULTED FOR GUIDANCE AND THE HEARING OFFICER SHALL HAVE THE AUTHORITY TO USE THOSE PREHEARING OR HEARING PROCEDURES IN THE HEARING ON THE CONTRACT CLAIM OR CONTROVERSY.

3. PROPER AND ADEQUATE WRITTEN NOTICE OF THE TIME, DATE AND PLACE OF HEARINGS SHALL BE MADE BY THE
HEARING OFFICER.

4. ALL HEARINGS SHALL BE RECORDED MANUALLY OR BY A RECORDING DEVICE. A TRANSCRIPTION OF THE HEARING SHALL BE MADE AVAILABLE AT COST TO THE REQUESTING PARTY.

5. THE HEARINGS SHALL BE CONDUCTED IN AN INFORMAL MANNER WITHOUT FORMAL RULES OF EVIDENCE OR PROCEDURE.

6. THE HEARING OFFICER MAY:

a. HOLD PRE-HEARING CONFERENCES TO SETTLE, SIMPLIFY, OR IDENTIFY THE ISSUES IN THE PROCEEDING, OR TO CONSIDER OTHER MATTERS THAT MAY AID IN THE EXPEDITIOUS DISPOSITION OF THE PROCEEDING;

b. REQUIRE PARTIES TO STATE THEIR POSITIONS CONCERNING THE VARIOUS ISSUES IN THE PROCEEDINGS;

c. REQUIRE PARTIES TO PRODUCE FOR EXAMINATION THOSE RELEVANT WITNESSES AND DOCUMENTS UNDER THEIR CONTROL.

d. ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF TESTIMONY AND DOCUMENTS.

e. RULE ON MOTIONS, AND OTHER PROCEDURAL ITEMS PENDING BEFORE SUCH OFFICER;

f. REGULATE THE COURSE OF THE HEARING AND CONDUCT OF PARTICIPANTS;

g. ESTABLISH TIME LIMITS FOR SUBMISSION OF MOTIONS OR MEMORANDA;

h. IMPOSE APPROPRIATE SANCTIONS AGAINST ANY PERSON FAILING TO OBEY AN ORDER UNDER THESE PROCEDURES, WHICH MAY INCLUDE:

(1) REFUSING TO ALLOW THE PERSON TO ASSERT OR OPPOSE DESIGNATED CLAIMS OR DEFENSES, OR PROHIBITING THAT PERSON
FROM INTRODUCING DESIGNATED MATTERS IN EVIDENCE.

(2) EXCLUDING ALL TESTIMONY OF AN UNRESPONSIVE OR EVASIVE WITNESS; AND

(3) EXPelling ANY PERSON FROM FURTHER PARTICIPATION IN THE HEARING.

i. TAKE OFFICIAL NOTICE OF ANY MATERIAL FACT NOT APPEARING IN EVIDENCE IN THE RECORD, IF THE FACT IS AMONG THE TRADITIONAL MATTERS OF JUDICIAL NOTICE;

j. ADMINISTER OATHS OR AFFIRMATIONS; AND

k. TAKE SUCH OTHER ACTIONS AND EXERCISE SUCH OTHER POWERS AND AUTHORITY AS MAY BE NECESSARY FOR A FAIR, EXPEDITIOUS, AND COMPLETE HEARING.

7. UNLESS THE HEARING OFFICER HAS BEEN AUTHORIZED TO MAKE A FINAL DECISION, IN ACCORDANCE WITH THIS CODE, THE RECOMMENDATION OF THE HEARING OFFICER SHALL BE TRANSMITTED TO THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION. THE OFFICIAL MAY AFFIRM, MODIFY OR REJECT THE RECOMMENDATION AND ORDER FURTHER APPROPRIATE PROCEEDINGS. THE RECOMMENDATION, WHEN AFFIRMED OR MODIFIED, SIGNED BY THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION, AND FILED, SHALL CONSTITUTE THE DECISION ON THE MATTER, WHICH SHALL BE FINAL.

8. THE DECISION SHALL BE SENT TO ALL PARTIES BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. THE DECISION SHALL STATE THAT A PARTY AGGRIEVED BY THE DECISION MAY WITHIN TEN (10) DAYS OF MAILING REQUEST A REHEARING.

G. REHEARING OR REVIEW OF FINAL DECISION

1. ANY PARTY WHO IS AGGRIEVED BY A FINAL DECISION OF THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION MAY FILE WITH THE OFFICIAL, NOT LATER THAN TEN (10) DAYS AFTER MAILING OF THE DECISION, A WRITTEN REQUEST FOR REHEARING OF THE DECISION SPECIFYING
THE PARTICULAR GROUNDS. A SUPPORTING AFFIDAVIT SHALL ACCOMPANY THE REQUEST AND SHALL PROVIDE THE FACTUAL BASIS OF THE CAUSE ON WHICH REHEARING EXISTS.

2. PARTIES TO THE HEARING SHALL BE NOTIFIED OF THE REQUEST. A RESPONSE MAY BE FILED BY ANY PARTY TO THE HEARING WITHIN FIVE (5) DAYS AFTER RECEIPT OF THE NOTICE. THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION MAY REQUIRE THE FILING OF WRITTEN BRIEFS AND MAY PROVIDE FOR ORAL ARGUMENT.

3. A REHEARING OF THE DECISION MAY BE GRANTED FOR ANY OF THE FOLLOWING CAUSES, WHEN SUCH CAUSES HAVE MATERIALLY AFFECTED THE REQUESTING PARTY'S RIGHTS:

   a. IRREGULARITY IN THE PROCEEDINGS OR ANY ORDER OR ABUSE OF DISCRETION, WHEREBY THE REQUESTING PARTY WAS DEPRIVED OF A FAIR HEARING;

   b. MISCONDUCT OF THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION, THE HEARING OFFICER, OR ANY PARTY;

   c. ACCIDENT OR SURPRISE THAT COULD NOT HAVE BEEN PREVENTED BY ORDINARY PRUDENCE;

   d. NEWLY DISCOVERED MATERIAL EVIDENCE THAT COULD NOT WITH REASONABLE DILIGENCE HAVE BEEN DISCOVERED AND PRODUCED AT THE ORIGINAL HEARING;

   e. EXCESSIVE OR INSUFFICIENT PENALTIES OR REMEDIES;

   f. ABUSE OF DISCRETION IN THE ADMISSION OR REJECTION OF EVIDENCE OR OTHER ERROR OF LAW OCCURRING;

   g. A SHOWING THAT THE DECISION IS NOT JUSTIFIED BY THE EVIDENCE OR IS CONTRARY TO LAW.

4. A DECISION CONCERNING A REQUEST FOR REHEARING SHALL BE IN WRITING AND STATE THE BASIS FOR THE DECISION. A DECISION GRANTING A REHEARING SHALL
SPECIFY WITH PARTICULARITY THE BASIS ON WHICH THE REHEARING IS GRANTED, AND THE REHEARING SHALL COVER ONLY THOSE MATTERS SO SPECIFIED.

5. THE OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION, WITHIN THE TIME FOR FILING A MOTION FOR REHEARING UNDER THIS ABOR POLICY 3-809.G, MAY ON HIS OWN INITIATIVE ORDER A REHEARING OR REVIEW OF THE DECISION FOR ANY REASON FOR WHICH HE MIGHT HAVE GRANTED A REHEARING ON MOTION OF A PARTY.

H. MASTER LIST

1. THE BOARD SHALL MAINTAIN A MASTER LIST OF DEBARMENTS AND SUSPENSIONS UNDER THIS ABOR POLICY 3-809. THE MASTER LIST SHALL SHOW THE FOLLOWING:

2. THE NAMES OF THOSE PERSONS AND AFFILIATES WHOM THE UNIVERSITIES OR THE BOARD HAVE DEBARRED OR SUSPENDED UNDER THIS ABOR POLICY 3-809.

3. THE PERIOD OF DEBARMENT OR SUSPENSION, INCLUDING THE EXPIRATION DATE;

4. THE BASIS FOR THE DEBARMENT OR SUSPENSION; AND

5. A SEPARATE SECTION LISTING PERSONS OR AFFILIATES VOLUNTARILY EXCLUDED FROM PARTICIPATION IN UNIVERSITY PROCUREMENTS.

I. MISCELLANEOUS

1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, INCLUDING THE PROVISIONS OF A.R.S. §§ 12-820, ET SEQ., THIS ABOR POLICY 3-809 AND THE PROCEDURES PROVIDED BY THIS SECTION SHALL BE THE EXCLUSIVE PROCEDURES FOR ASSERTING A CLAIM AGAINST A UNIVERSITY ARISING OUT OF OR IN RELATION TO ANY PROCUREMENT CONDUCTED OR CONTRACT AWARDED UNDER THIS CODE.

2. ANY FINAL DECISION OF AN OFFICIAL WITH AUTHORITY TO MAKE A FINAL DECISION IN A MATTER REFERRED TO IN THIS ABOR POLICY 3-809 IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO A.R.S.§ 12-904 BY ANY PARTY TO THE PROCEEDINGS BEFORE THAT OFFICIAL, INCLUDING THE
3. ANY COMPLAINT SEEKING JUDICIAL REVIEW OF A FINAL DECISION SHALL BE SERVED UPON THE BOARD WITHIN THE TIME PRESCRIBED PURSUANT TO A.R.S. 12-904.

4. THE APPLICABLE PROCEDURES SET FORTH IN THIS ABOR POLICY 3-809, INCLUDING THE PROCEDURE ON REHEARING SET FORTH IN ABOR POLICY 3-809G, IF GROUNDS FOR A REHEARING EXIST, IS A JURISDICTIONAL PREREQUISITE TO OBTAINING A FINAL DECISION FOR WHICH JUDICIAL REVIEW MAY BE SOUGHT. THE FAILURE TO COMPLETE ANY APPLICABLE PROCEDURE SHALL CONSTITUTE A FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.
A. PROCUREMENT FOR SMALL BUSINESS

1. EACH FISCAL YEAR A UNIVERSITY SHALL AWARD CONTRACTS OR PORTIONS OF CONTRACTS FOR MATERIALS, SERVICES, PROFESSIONAL SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES TO SMALL BUSINESSES AS DEFINED IN A.R.S. §41-1001, IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE AND IN ACCORDANCE WITH UNIVERSITY POLICIES AND PROCEDURES.

2. A UNIVERSITY WILL MAKE A GOOD FAITH EFFORT TO ENSURE THAT THE TOTAL VALUE OF CONTRACTS OR PORTIONS OF CONTRACTS AWARDED PURSUANT TO THIS SECTION IS AT LEAST FIFTEEN (15) PERCENT OF THE AVERAGE OF THE TOTAL VALUE OF ALL COMPETITIVE CONTRACTS LET BY THE UNIVERSITY FOR EACH OF THE PREVIOUS THREE (3) FISCAL YEARS. FOR PURPOSES OF DETERMINING THE EXTENT TO WHICH THE GOAL SET FORTH IN THIS PROVISION IS BEING OR HAS BEEN MET EACH YEAR, A UNIVERSITY MAY INCLUDE THAT PORTION OF ANY CONTRACT AWARD WHICH REPRESENTS WORK PERFORMED BY A SUBCONTRACTOR PROVIDED THAT THE SUBCONTRACTOR, BUT NOT THE CONTRACTOR, IS A SMALL BUSINESS.

B. PAYMENT ON CONTRACT AWARDS

1. A CONTRACTOR WHICH IS A SMALL BUSINESS SHALL RECEIVE PAYMENT IN FULL ON ALL SUMS DUE AND OWING ON A CONTRACT AWARDED PURSUANT TO THIS SECTION NO LATER THAN THIRTY (30) DAYS AFTER THE DUE DATE OF A PAYMENT ON THE CONTRACT. A SUBCONTRACTOR TO A CONTRACT AWARDED PURSUANT TO THIS SECTION SHALL RECEIVE PAYMENT IN FULL ON ALL SUMS DUE AND OWING BY THE CONTRACTOR WHICH IS A SMALL BUSINESS NO LATER THAN THIRTY (30) DAYS AFTER THE CONTRACTOR RECEIVES PAYMENT FROM THE UNIVERSITY.

2. IF A UNIVERSITY HAS RECEIVED WRITTEN NOTICE THAT A CONTRACTOR WHICH IS A SMALL BUSINESS HAS NOT PAID A SUBCONTRACTOR WITHIN THE THIRTY (30) DAYS REQUIRED BY THIS SUBSECTION B, THEN SUCH CONTRACTOR SHALL NOT BE AWARDED ANY CONTRACT BY
THE UNIVERSITY FOR ONE (1) YEAR FROM THE DATE OF SUCH NONPAYMENT. A UNIVERSITY SHALL NOT BE REQUIRED TO VERIFY THE ACCURACY OF ANY WRITTEN NOTICE AND UPON WITHDRAWAL OF SUCH WRITTEN NOTICE OR UPON DETERMINING THAT THE INFORMATION IN SUCH NOTICE IS INACCURATE, THE RESTRICTIONS OF THIS PARAGRAPH SHALL NO LONGER BE IN EFFECT.

C. ANNUAL REPORT

(1)  WITHIN SIXTY (60) DAYS AFTER THE END OF THE FISCAL YEAR, THE CPO AT EACH UNIVERSITY SHALL PREPARE AND HAVE AVAILABLE A REPORT SHOWING UNIVERSITY EFFORTS TO COMPLY WITH THE REQUIREMENTS OF ABOR POLICY 3-810A2.
3-811 SIGNIFICANT PROCUREMENT ROLE

A. “SIGNIFICANT PROCUREMENT ROLE” MEANS ANY ROLE THAT INCLUDES ANY OF THE FOLLOWING DUTIES:

1. PARTICIPATING IN THE DEVELOPMENT OF A PROCUREMENT.

2. PARTICIPATING IN THE DEVELOPMENT OF AN EVALUATION TOOL.

3. APPROVING A PROCUREMENT OR NEW EVALUATION TOOL.

4. SOLICITING QUOTES GREATER THAN TEN THOUSAND DOLLARS ($10,000) FOR THE PROVISIONS OF MATERIALS, SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES.

5. SERVING AS A TECHNICAL ADVISOR OR AN EVALUATOR WHO EVALUATES A PROCUREMENT.

6. RECOMMENDING OR SELECTING A PERSON THAT WILL PROVIDE MATERIALS, SERVICES, CONSTRUCTION, OR CONSTRUCTION SERVICES.

7. SERVING AS A DECISION MAKER OR DESIGNEE ON A PROTEST OR AN APPEAL BY A PARTY REGARDING A PROCUREMENT SELECTION OR DECISION.

B. PROHIBITED ACTIVITY.

1. IT IS UNLAWFUL FOR A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE TO ACCEPT ANY POSITION OR HAVE EMPLOYMENT DISCUSSIONS WITH A PERSON LOBBYING OR POTENTIALLY RESPONDING TO THE SOLICITATION BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE AND ENDING AT THE TIME OF CONTRACT AWARD. IT IS UNLAWFUL FOR A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE TO ACCEPT ANY POSITION OR HAVE EMPLOYMENT DISCUSSIONS WITH THE SUCCESSFUL OFFEROR OR OFFERORS AND THEIR LOBBYISTS BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT.
PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE, AND ENDING ONE (1) YEAR AFTER THE PURCHASED MATERIALS ARE DELIVERED OR THE PURCHASE OF SERVICES OR CONSTRUCTION BEGINS, IF THE PROCUREMENT OFFICER OR EMPLOYEE HAD A SIGNIFICANT PROCUREMENT ROLE IN THE PARTICULAR PROCUREMENT.

2. IT IS UNLAWFUL FOR A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE TO SOLICIT AN EMPLOYMENT OPPORTUNITY, REGARDLESS OF WHO WOULD RECEIVE SUCH AN OPPORTUNITY, FROM ANY PERSON LOBBYING OR POTENTIALLY RESPONDING TO A SOLICITATION FOR THE PROCUREMENT OF MATERIALS, SERVICES OR CONSTRUCTION BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE AND ENDING AT THE TIME OF CONTRACT AWARD. IT IS UNLAWFUL FOR A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE TO SOLICIT AN EMPLOYMENT OPPORTUNITY, REGARDLESS OF WHO WOULD RECEIVE SUCH AN OPPORTUNITY, FROM THE SUCCESSFUL OFFEROR OR OFFERORS AND THEIR LOBBYISTS BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE AND ENDING ONE (1) YEAR AFTER THE PURCHASED MATERIALS ARE DELIVERED OR THE PURCHASE OF SERVICES OR CONSTRUCTION BEGINS, IF THE PROCUREMENT OFFICER OR EMPLOYEE HAD A SIGNIFICANT ROLE IN THE PARTICULAR PROCUREMENT.

3. IT IS UNLAWFUL FOR A PERSON LOBBYING OR POTENTIALLY RESPONDING TO A SOLICITATION FOR THE PROCUREMENT OF MATERIALS, SERVICES OR CONSTRUCTION TO OFFER EMPLOYMENT TO A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE
PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE AND ENDING AT THE TIME OF CONTRACT AWARD. IT IS UNLAWFUL FOR THE SUCCESSFUL OFFEROR OR OFFERORS AND THEIR LOBBYISTS TO OFFER EMPLOYMENT TO A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE BEGINNING ON SIGNATURE OF THE FIRST NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION OR AT THE TIME OF REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE AND ENDING ONE (1) YEAR AFTER THE PURCHASED MATERIALS ARE DELIVERED OR THE PURCHASE OF SERVICES OR CONSTRUCTION BEGINS, IF THE PROCUREMENT OFFICER OR EMPLOYEE HAD A SIGNIFICANT ROLE IN THE PARTICULAR PROCUREMENT.

C. WAIVER. THE CPO MAY WAIVE ANY OR ALL OF THE WAITING PERIOD REQUIRED PURSUANT TO THIS ABOR POLICY 3-811B.1, B.2, OR B.3 IN EXCESS OF TWENTY-FOUR (24) MONTHS FOR A PROCUREMENT OFFICER OR AN EMPLOYEE WITH A SIGNIFICANT PROCUREMENT ROLE IF THE PERIOD OF TIME THAT FOLLOWS THE SIGNATURE OF THE NONDISCLOSURE AGREEMENT EXCEEDS TWENTY-FOUR (24) MONTHS. A PROCUREMENT OFFICER OR AN EMPLOYEE SEEKING A WAIVER SHALL MAKE A WRITTEN REQUEST TO THE CPO. THE CPO SHALL PROVIDE A WRITTEN DECISION AND JUSTIFICATION WITHIN FIFTEEN (15) BUSINESS DAYS AFTER THE RECEIPT OF THE COMPLETE REQUEST. THE CPO MAY NOT APPROVE WAIVER REQUESTS FOR MATTERS STILL IN EVALUATION OR WITHIN SIX (6) MONTHS FOLLOWING THE CONTRACT AWARD. IF THE REQUESTING PARTY IS THE CPO, THE REQUEST FOR A WAIVER AND ALL WRITTEN MATERIALS MUST BE FORWARDED TO THE UNIVERSITY PRESIDENT FOR A FINAL DECISION.

D. IN RESPONSE TO A WRITTEN REQUEST FROM AN EMPLOYEE SEEKING CLARIFICATION ON WHETHER THE EMPLOYEE HAS PLAYED A SIGNIFICANT ROLE IN A PROCUREMENT, THE CPO SHALL ISSUE A DETERMINATION IN WRITING WITHIN FIFTEEN (15) DAYS AFTER RECEIVING THE REQUEST. THE CPO MAY MAKE A DETERMINATION IN WRITING THAT THIS SECTION DOES NOT APPLY IF A PARTICULAR SOLICITATION, SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE HAS BEEN CANCELED.

E. IT IS UNLAWFUL FOR A PROCUREMENT OFFICER OR AN
EMPLOYEE WHO WAS PREVIOUSLY EMPLOYED BY A PERSON RESPONDING TO A SOLICITATION TO SERVE IN A SIGNIFICANT PROCUREMENT ROLE FOR A PERIOD OF ONE (1) YEAR FOLLOWING THE PERSON’S PREVIOUS EMPLOYMENT.

F. IF A UNIVERSITY USES A QUALIFIED LIST OF PERSONS THAT ARE ELIGIBLE TO BE SELECTED TO DESIGN, DEVELOP, IMPLEMENT OR CONSTRUCT ANY FORM OF PROJECT ASSOCIATED WITH THE LIST, ANY PROCUREMENT OFFICER WHO WAS ASSIGNED TO WORK EVALUATING OR APPROVING THE LIST OF ELIGIBLE PERSONS OR ANY EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE IN DEVELOPING THE LIST SHALL NOT ACCEPT AN OFFER OF EMPLOYMENT FROM OR HAVE EMPLOYMENT DISCUSSIONS WITH A PERSON ON THE LIST WITHIN ONE (1) YEAR AFTER THE INITIAL PUBLICATION OF THE LIST OR ACCEPT AN OFFER OF EMPLOYMENT FROM OR HAVE EMPLOYMENT DISCUSSIONS WITH A NEWLY ADDED PERSON ON THE LIST WITHIN ONE (1) YEAR AFTER THE PERSON IS ADDED TO THE ORIGINAL LIST. IF A PERSON FROM AN APPROVED LIST OF QUALIFIED PERSONS IS AWARDED A CONTRACT THAT IS ASSOCIATED WITH THE LIST, A PROCUREMENT OFFICER INVOLVED IN SELECTING THE PERSON OR AN EMPLOYEE HAVING A SIGNIFICANT PROCUREMENT ROLE IN SELECTING THE PERSON SHALL NOT ACCEPT AN OFFER OF EMPLOYMENT FROM OR HAVE EMPLOYMENT DISCUSSIONS WITH THAT PERSON WITHIN ONE (1) YEAR AFTER THAT PERSON IS AWARDED THE CONTRACT.

G. ON SIGNATURE OF A NONDISCLOSURE AGREEMENT PERTAINING TO A PARTICULAR SOLICITATION, OR AT THE TIME OF A REQUEST FOR A SOLE SOURCE PROCUREMENT OR ANY OTHER PROCUREMENT FOR WHICH COMPETITION IS IMPRACTICABLE, A PROCUREMENT OFFICER OR AN EMPLOYEE HAVING A SIGNIFICANT ROLE IN THE PROCUREMENT SHALL PROVIDE WRITTEN DISCLOSURE OF ANY FINANCIAL INTEREST THE OFFICER OR EMPLOYEE, OR THE SPOUSE OF THE OFFICER OR EMPLOYEE, MAY HOLD.

H. THIS SECTION DOES NOT APPLY TO A PROCUREMENT OFFICER OR EMPLOYEE WHO IN GOOD FAITH RELIES ON A DETERMINATION ISSUED BY THE CPO PURSUANT TO SUBSECTION D OF THIS SECTION THAT THE PROCUREMENT OFFICER OR EMPLOYEE HAS NOT HAD A SIGNIFICANT PROCUREMENT ROLE.
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H. UNIVERSITY PROCUREMENT CODE

3-801 General Provisions

A. Applicability

1. This Article H (University Procurement Code) shall consist of rules prescribing procurement policies and procedures for the Arizona Board of Regents and the institutions under the Board’s jurisdiction in accordance with the requirements of A.R.S. ’41-2-501D and E. Such rules shall be known as the "University Procurement Code."

2. This Code shall apply only to procurements initiated after the effective date of this Article unless the parties agree to its application to procurements initiated before the effective date.

3. Except as provided in ABOR Policy 3-801A. 4. and 5. (General Provisions, Applicability) below, this Code shall apply to every expenditure of public monies, including federal assistance monies (subject to requirements of federal law as referred to in ABOR Policy 3-808H (Intergovernmental Procurement)), by the Board or any institution under its jurisdiction. This Code also applies to the disposal of university materials.

4. This Code does not apply to the following:

   a. To either grants or contracts between the Board and either other state governmental units or other governments except as provided in ABOR Policy 3-808 (Intergovernmental Procurement).

   b. To contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial proceeding in which the Board or one of its institutions is or may become a party or to a contract for special investigative services for law enforcement purposes.

   c. To agreements negotiated by legal counsel representing the Board or a university in settlement of litigation or threatened litigation.

   d. To internal cooperative agreements or consortium agreements existing solely between and among the Board and/or any institution under the jurisdiction of the Board.

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e. To items purchased by a university for resale.

5. Nothing in this Code shall prevent the Board or its institutions from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.

B. Written Determinations

1. Written determinations required by this Code shall be filed and retained in the appropriate official records file maintained by each university relative to the solicitation or contract to which the determination refers.

2. Each written determination shall specify the reasons for the determination made.

C. Definitions

In this Code:

1. "Architect Services" means those professional architect services that are within the scope of architectural practice as provided in A.R.S., Title 32, Chapter 1.

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

3. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, limited liability company or any other private legal entity.

4. "Change Order" means a written order signed by a procurement officer which directs the contractor to make changes that the changes clause of the contract authorizes the procurement officer to order.

5. "Code" means the University Procurement Code.

6. "Construction":

   a. means the process of building, altering, repairing, improving, demolishing or site preparation for any public structure or building, or other public improvements of any kind to any public real property.
b. does not include:

   (1) the routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.

   (2) the investigation, characterization, restoration or remediation due to an environmental issue of existing facilities, structures, buildings or real property.

7. “Construction-Manager-at-Risk” means a project delivery method in which:

   a. There is a separate contract for design services and a separate contract for construction services.

   b. The contract for construction services may be entered into at the same time as the contract for design services or at a later time.

   c. Design and construction of the project may be in sequential phases or concurrent phases.

   d. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

8. “Construction Services” means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:

   a. Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.

   b. A combination of construction and, as elected by the university, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this section.

9. “Contract” means all types of agreements entered into by the Board, regardless of what they may be called, for the procurement
of materials, services, or construction or construction services, or
the disposal of materials.

10. “Contract Modification” means any written alteration in the terms
and conditions of any contract accomplished by mutual action of
the parties to the contract.

11. “Contractor” means any person who has a contract with the Board.

12. “Counsel” means Counsel to the Arizona Board of Regents.

13. “Data” means documented information, regardless of form or
characteristic.

14. “Days” means calendar days as computed pursuant to A.R.S.
   1-243.

15. “Design-Bid-Build” means a project delivery method in which:
   a. There is a sequential award of two separate contracts.
   b. The first contract is for design services.
   c. The second contract is for construction.
   d. Design and construction of the project are in sequential
      phases.
   e. Finance services, maintenance services and operations
      services are not included.

16. “Design-Build” means a project delivery method in which:
   a. There is a single contract for design services and
      construction services.
   b. Design and construction of the project may be in sequential
      phases or concurrent phases.
   c. Finance services, maintenance services, operations
      services, design services, preconstruction services and other
      related services may be included.
17. “Design Consultant” means a person providing the services of an architect, engineer, land surveyor, assayer, geologist, interior design consultant, and/or landscape architect within the scope of the practice of those respective professional services but does not include special or consulting services not required for the design of the project.

18. “Design Requirements @:

a. means at a minimum the university’s written description of the project or service to be procured, including:

   (1) The required features, functions, characteristics, qualities and properties, including, when applicable, programming, planning, and site and building development guidelines.

   (2) The anticipated schedule, including start, duration and completion.

   (3) The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.

b. may include:

   (1) Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, who is registered pursuant to A.R.S. ‘32-121.

   (2) Additional design information or documents that the university elects to include.

19. “Design Services @ means architect services, engineer services or landscape architect services.


21. “Employee” means an individual drawing a salary or wage from a university or from the Board, whether elected or not, and any
noncompensated individual performing personal services for any university or the Board.

22. “Engineer Services” means those professional engineer services that are within the scope of engineering practice as provided in A.R.S., Title 32, Chapter 1.

23. “Finance Services” means financing for a construction services project.

24. "Grant" means the furnishing by the State, the Board or an institution under the jurisdiction of the Board of assistance, whether financial or otherwise, to any person to support a program authorized by law. Grant does not include an agreement whose primary purpose is to secure a specific end product, whether in the form of materials, services or construction. A contract resulting from such an agreement is not a grant but a procurement contract.

25. “Job-Order-Contracting” means a project delivery method in which:

a. The contract is a requirements contract for indefinite quantities of construction.

b. The construction to be performed is specified in job orders issued during the contract.

c. Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.

26. “Landscape Architect Services” means those professional landscape architect services that are within the scope of landscape architectural practice as provided in A.R.S., Title 32, Chapter 1.

27. “Maintenance Services” means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.

28. "Materials"

a. means all property, including equipment, supplies, printing, insurance and leases of property.
b. does not include land or a permanent interest in land or real property.

29. "Operations Services" means routine operation of existing facilities, structures, buildings or real property.

30. "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.

31. "Preconstruction Services" means advice during the design phase.

32. "President" or "university president" means the president of a university or the president of the System office of the Board.

33. "Procurement":

   a. means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services.

   b. includes all functions that pertain to obtaining of any materials, services, construction, or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

34. "Procurement officer" means a university's procurement officer as designated by its president. For any university, the procurement officer may differ depending upon the type of procurement.

35. "Professional Design Services" means the services of a design consultant or a professional programmer.

36. "Professional Services" means architect services, engineer services, landscape architect services, assay services, geologist services and land surveying services and any combination of those services.

37. "Responsible bidder or offeror" means a person who has the capability, including necessary experience, to perform the contract requirements; who has the integrity and reliability which will ensure good-faith performance and appropriate quality of the materials, services, construction or construction services, to be provided; and
who is in compliance with any and all licensing requirements of the State of Arizona.

38. "Responsive bidder or offeror" means a person who submits a bid which conforms in all material respects to the invitation for bids or request for proposals.

39. "Services"

   a. means the furnishing of labor, time or effort by a contractor which does not involve the delivery of a specific end product other than required reports and performance.

   b. does not include employment agreements or collective bargaining agreements.

40. “Small business” means a concern, including its affiliates, which is independently owned and operated and which either (a) employs one hundred full-time employees or fewer, or (b) had gross annual receipts of four million dollars or less in its last fiscal year.

41. “Specific single project” means one or more facilities at a single location, at a common location or, if for a single purpose, at multiple locations.

42. "State governmental unit" means any department, commission, council, board, bureau, committee, institution, agency, government corporation or other establishment or official of the executive branch or corporation commission of this State except the Board and the institutions under its jurisdiction.

43. "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as part of a contract with a university.

44. "University" means an institution governed by and under the jurisdiction of the Board. The term also refers to the System office staff of the Arizona Board of Regents to the extent that the System office is directly involved in procurement activities on behalf of the Board or the universities.

D. Miscellaneous Provisions

1. The term "may" denotes the permissive. The term "shall" denotes the imperative.
2. To the extent that the provisions of this Code are inconsistent with or conflict with other policies of the Board, the provisions of this Code shall control.

3. Unless displaced by the particular provisions of this Code, the principles of law and equity, including the Uniform Commercial Code of this state, the common law of contracts as applied in this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of this Code.

4. A university president may designate an individual or individuals to act on behalf of the procurement officer in the absence or unavailability of such officer.
3-802 Procurement Authority

A. Authority of Procurement Officer

1. The procurement officer at each university functions under the direction of the university president or the president’s designee and has the authority to commit university funds for the procurement of materials, services, construction and construction services on behalf of the university and the Arizona Board of Regents.

2. The procurement officer at each university shall promulgate written procedures, consistent with this Code and other Board policies, governing the procurement and management of materials, services, construction and construction services to be procured by the university and the disposal of materials. Such procedures are subject to review and/or modification by the Board at its discretion.

3. Notwithstanding ABOR Policy 3-802A. 1. and 2., (Procurement Authority, Authority of Procurement Officer), the authority of the procurement officer is subject to such limitations as may exist in other Board policies.

4. The procurement officer at each university has the authority to determine that specifications are appropriate for the intended purpose.

B. Authority to Pay for Services

1. Services have an aggregate cost of $50,000 or greater procured under this Code, including services described in ABOR Policy 3-803.E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel), shall not be made unless pursuant to a fully approved written contract.

2. Payment for any services having an aggregate cost less than $50,000 shall be made consistent with established university procurement policies.

C. Impact of Rules Promulgated under Code

1. Except by mutual consent of the parties, no rules promulgated by the Board under this Code may change any commitment, right or
obligation of the Board or a university or of a contractor under contract in existence on the effective date of the rule.

2. Except by mutual consent of the parties, no procedure promulgated by any procurement officer pursuant to ABOR Policy 3-802A.2. (Procurement Authority, Authority of Procurement Officer) may change any commitment, right or obligation of the Board or a university or of a contractor under a contract in existence on the effective date of the procedure.
3-803 Bidding and Source Selection Procedures

A. Definitions

In ABOR Policies 3-803 (Bidding and Source Selection Procedures) and 3-804 (Professional Services and Construction Services Procurement):

1. "Bidder prequalification" means determining, in accordance with procedures adopted by a procurement officer consistent with this Code, that a prospective bidder or offeror satisfies the criteria established for being included on a university bidder's list.

2. "Bid sample" means a sample to be furnished by bidder to show the characteristics of the item offered in the bid.

3. "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are reasonable, allowable and allocable in accordance with the contract terms and the provisions of this Code, and a fee, if provided in the contract.

4. "Discussions" as used in source selection means negotiation during which the seller or buyer may alter or otherwise change the terms, price or other provisions of the proposed contract. Discussions can be conducted under competitive sealed proposals procurements, request for qualifications procurements, sole source procurements and emergency procurements; such discussions are not permissible under competitive sealed bidding except to the extent allowed in the first phase of multi-step bidding.

5. "Established catalog price" means the price included in a catalog, price list, schedule or other form that:
   a. Is regularly maintained by a manufacturer, distributor or contractor.
   b. Is either published or otherwise available for inspection by customers.
   c. States prices at which sales are currently or last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.

6. "Invitation for bids" means all documents, whether attached or incorporated by reference, which are used for soliciting bids in
accordance with the procedures prescribed in ABOR Policy 3-803.B (Bidding and Source Selection Procedures, Competitive Sealed Bidding).

7. "Multi-step sealed bidding" means a two-phase process consisting of a technical first phase consisting of one or more steps in which bidders submit unpriced technical offers to be evaluated by the university, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

8. "Offer" means a proposal or submission of qualifications, as applicable, when a procurement is made by a source selection method other than competitive sealed bidding.

9. "Offeror" means a person submitting a proposal or statement of qualifications, as applicable, when a procurement is made by a source selection method other than competitive sealed bidding.

10. "Opening" means the date and time set for unsealing bids, receipt of unpriced technical offers in multi-step bidding, or receipt of proposals and competitive sealed proposals.

11. "Paper" means newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and related types of cellulosic materials containing not more than 10 percent by weight or volume of non-cellulosic material such as laminates, binders, coatings or saturates.

12. "Paper Product" means paper items or commodities, including paper napkins, towels, corrugated paper and related types of cellulosic products containing not more than 10 percent by weight or volume of non-cellulosic materials such as laminates, binders, coatings or saturates.

13. "Post-Consumer Material" means a discard generated by a business or residence that has fulfilled its useful life. Post-consumer materials does not include discards from industrial or manufacturing processes.

14. "Purchase description" means the words used in a solicitation to describe the materials, services, construction or construction services for purchase and includes plans and specifications attached to, or made a part of, the solicitation.
15. “Recycled Paper” means paper products which have been manufactured from materials otherwise destined for the waste stream and which contain at least 40 percent recovered wastepaper with 10 percent of that being post-consumer material.

16. “Request for proposals” means all documents, whether attached or incorporated by reference, which are used in soliciting proposals in accordance with procedures prescribed in ABOR Policy 3-803 C (Bidding and Source Selection Procedures, Competitive Sealed Proposals) or ABOR Policy 3-804B.6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

17. “Request for Qualifications” means all documents, whether attached or incorporated by reference, which are used in soliciting statements of qualifications in accordance with procedures prescribed in ABOR Policy 3-803E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel), ABOR Policy 3-804B.3.b (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), or any other appropriate provision of the University Procurement Code.

18. “Requirements contract” means a term contract covering estimated quantities of materials or services or indefinite quantities of job-order-contracting construction services, or maximum and/or minimum quantities and with delivery on demand.

19. “Solicitation” means an invitation for bids, a request for proposals, a request for quotations, a request for qualifications, or any other requests by a university for the purpose of soliciting bids or proposals or qualifications to perform a contract to be entered into by the Board.

20. “Technical offer” means solicited or unsolicited submission of written information from a prospective contractor that states how that party intends to perform certain work; its technical and business qualifications; and its proposed delivery, warranty, and other terms and conditions as those might differ from or supplement the university’s solicitation requirements. It shall include such pricing information as may be required.

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B. Competitive Sealed Bidding

1. Contracts shall be awarded by competitive sealed bidding except as provided by this code in accordance with the following sections:
   a. 3-803C Competitive Sealed Proposals
   b. 3-803D.1 Procurement not exceeding $50,000
   c. 3-803D.2 Sole Source Procurement
   d. 3-803D.3 Emergency Procurement
   e. 3-803D.4 Procurement of livestock, animals, feed, etc.
   f. 3-803D.5 Procurement of materials at auction or at commodity index—excluding real property
   g. 3-803D.6 Simplified construction procurement program
   h. 3-803E.1 Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel
   i. 3-804B Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services
2. An invitation for bids shall be issued and shall include a purchase description and contractual terms and conditions applicable to the procurement.

3. Adequate public notice of the invitation for bids shall be given a reasonable time before the date set forth in the invitation for the opening of bids. The notice may include publication one (1) or more times in a newspaper of general circulation a reasonable time before bid opening. If the invitation for bids is for the procurement of services other than those described in ABOR Policy 3-803E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel) below, the notice shall include publication in a newspaper of general circulation within this state. The publication shall be not less than two (2) weeks before bid opening. The notice may also be posted at a designated site on a worldwide public network of interconnected computers.

4. Bids shall be opened publicly, in the presence of one or more witnesses, at the time, date and place designated in the invitation for bids. The amount of each bid, and such other relevant information as may be specified by the procurement officer, together with the name of each bidder shall be recorded. This record shall be open to public inspection at the bid opening in a manner prescribed by the procurement officer. The bids shall not be open for public inspection until after a contract is awarded. To the extent the bidder designates and the university concurs, trade secrets or other proprietary data contained in the bid documents shall be maintained as confidential, all other information contained in such documents shall become public information following contract award.

The procurement officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the procurement officer shall inform the bidder in writing what portions of the bids will be disclosed and that unless the bidder protests under ABOR Policy 3-809 (Legal Remedies) of this Code the bids will be disclosed. After a contract is awarded, the bids shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.
5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this code. Bids shall be evaluated based on the requirements set forth in the invitation for bids. The university may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. The invitation for bids shall set forth the evaluation criteria, including the weighting of identified criteria. Evaluation criteria shall not be used for construction and no criteria may be used in bid evaluation that are not set forth in the invitation for bids.

6. Correction or withdrawal of erroneous bids before or after bid opening, based on bid mistakes, may be permitted by the procurement officer in accordance with procedures promulgated by the procurement officer. After bid opening, no corrections in bid prices or other provisions of bids prejudicial to the interests of a university or fair competition shall be permitted. Except as otherwise provided by this Code, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the procurement officer. Mistakes shall not be corrected after the award of the contract.

7. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder. If all bids for a construction project exceed available monies as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such monies by more than 5 percent, the procurement officer may in situations in which time or economic considerations preclude resolicitation of work of a reduced scope negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, to bring the bid within the amount of available monies.

8. The multi-step sealed bidding method may be used if the procurement officer determines that it is not practical to initially prepare a definitive purchase description which is suitable to permit an award based on competitive sealed bidding. An invitation for bids may be
issued requesting the submission of technical offers to be followed by an invitation for bids limited to those bidders whose offers are determined to be technically acceptable under the criteria set forth in the first solicitation, except that the multistep sealed bidding method may not be used for construction contracts.

9. If the price of a recycled paper product which conforms to specifications is within 5 percent of a low bid product which is not recycled and the recycled product bidder is otherwise the lowest responsible and responsive bidder, the award shall be made to the bidder offering the recycled product. The university may adopt rules requiring a 5 percent preference for other products made from recycled materials.

C. Competitive Sealed Proposals

1. If the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the university, a contract for materials or services may be entered into by competitive sealed proposals. This subsection does not apply to procurement of construction or construction services or specific professional services pursuant to ABOR Policy 3-804.B.3.a (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition). Construction, construction services and design services shall be procured as prescribed in ABOR Policy 3-804A (Professional Services and Construction Services Procurement, Project Delivery Methods for Design Services and Construction Services; Report).

a. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

   (1) Whether the contract needs to be other than a fixed price type;

   (2) Whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

   (3) Whether offerors may need to be afforded the opportunity to revise their proposals, including price;

   (4) Whether an award may need to be based upon a comparative evaluation as stated in the request for

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proposals of differing price, quality, and contractual factors in order to determine the most advantageous offering to the university. Quality factors include technical and performance capability and the content of the technical proposal; and

(5) Whether the primary consideration in determining award may not be price.

b. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

(1) If prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the university; and

(2) Whether the factors listed in ABOR Policy 3-803C.1.a.(2) through (4) (Bidding and Source Selection Procedures, Competitive Sealed Proposals) are desirable in conducting a procurement rather than necessary.

2. Proposals shall be solicited through a request for proposals.

3. Adequate public notice of the request for proposals shall be given in the same manner as provided in ABOR Policy 3-803B.3 (Bidding and Source Selection Procedures, Competitive Sealed Bidding).

4. Proposals shall be opened publicly at the time, date and place designated in the request for proposals. The name of each offeror, and such other relevant information as is specified by the procurement officer, shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the process of negotiation. The proposals shall be open for public inspection after contract award. To the extent that the offeror designates and the university concurs, trade secrets or other proprietary data contained in the offer documents shall be maintained as confidential, all other information contained in such documents shall become public information following contract award.

The procurement officer shall examine the offers to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as
to the disclosure of data, the procurement officer shall inform the
offeror in writing what portions of the offer will be disclosed and that
unless the offeror protests under ABOR Policy 3-809 (Legal
Remedies) the offer will be disclosed. After a contract is awarded,
the offers shall be open to public inspection subject to any
continuing prohibition on the disclosure of confidential data.

5. The request for proposals shall state all of the evaluation factors,
including price, and their relative importance. Specific numerical
weighting is not required, but may be used.

6. As provided in the request for proposals, and under procedures
promulgated by the procurement officer, discussions may be
conducted with responsible offerors who submit proposals
determined to be reasonably susceptible to being selected for
award for the purpose of clarification to assure full understanding
of, and responsiveness to, the solicitation requirements. Offerors
shall be accorded fair treatment with respect to any opportunity for
discussion and revision of proposals, and such revisions may be
permitted after submissions and before award for the purpose of
obtaining best and final offers. If discussions are conducted, all
offerors who have submitted proposals that are determined by the
procurement officer to be in the competitive range shall be invited
to submit a final revised proposal. In conducting discussions, there
shall be no disclosure of any information derived from proposals
submitted by competing offerors. The award shall be made to the
responsive and responsible offeror whose proposal is determined
to be the most advantageous to a university taking into
consideration the evaluation factors set forth in the request for
proposals. No other factors or criteria may be used in the
evaluation. The amount of any applicable transaction privilege or
use tax of a political subdivision of this state is not a factor in
determining the most advantageous proposal. The contract file
shall contain a written determination showing the basis on which
the award is made.

7. Notwithstanding any other provision in this Article H (University
Procurement Code), a contract for the services of any financial
consultant under circumstances not covered in ABOR Policy
3-803.D (Bidding and Source Selection Procedures . Exceptions to
Competitive Selection) shall be awarded through competitive
sealed proposals.

a. Prospective financial consultants may be prequalified
pursuant to ABOR Policy 3-803.F.3 (Bidding and Source

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Selection Procedures, Additional Provisions Related to Source Selection). The universities may use a uniform questionnaire for this purpose.

b. For any such contract, a university may use another method of procurement consistent with this Code upon prior approval of the Board.

D. Exceptions to Competitive Selection

1. Procurement Not Exceeding $100,000

Any procurement which does not exceed an aggregate dollar amount of $100,000 may be made in accordance with procedures promulgated by the procurement officer, except that the procurements shall be made with such competition as is practicable under the circumstances. Any procurement which does not exceed the aggregate dollar amount of $100,000 shall be restricted, if practicable, to small businesses. The procurement officer shall rotate the small businesses solicited to compete for any procurement of $100,000 or less. If it is impracticable to restrict a particular procurement to small businesses, the procurement officer shall make a determination setting forth the reasons and place it in the contract file. Procurement requirements shall not be artificially divided or fragmented so as to constitute a purchase under this subsection and to circumvent the source selection procedures required by ABOR Policy 3-803.B (Bidding and Source Selection Procedures, Competitive Sealed Bidding) or ABOR Policy 3-803.C (Bidding and Source Selection Procedures, Competitive Sealed Proposals) or ABOR Policy 3-804.B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services, Definition).

2. Sole Source Procurement

A contract may be awarded for a material, service or construction item without competition if the procurement officer determines in writing that there is only one source for the required material, service or construction item. The procurement officer may require the submission of cost or pricing data in connection with an award under ABOR Policy 3-803D.2 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Sole Source Procurement). Sole source procurement shall be avoided except when no reasonable alternative source exists. A written
3. Emergency Procurements

Notwithstanding any other provisions of the Code, a university president or the president’s designee may make emergency procurements if there exists a threat to public health, welfare or safety, or if a situation exists which makes compliance with ABOR Policy 3-803B (Bidding and Source Selection Procedures, Competitive Sealed Bidding), ABOR Policy 3-803C (Bidding and Source Selection Procedures, Competitive Sealed Proposals) or ABOR Policy 3-804B (Professional Services, and Construction Services Procurement, Procurement of Professional Services and Construction Services) impracticable, unnecessary or contrary to the public interest, except that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

4. Procurement of Livestock, Animals, Feed, etc.

The procurement officer shall be authorized to purchase livestock, animals, and feed through “order buyers” who may attend auctions in order to purchase cattle that meet agreed upon size and other specifications and based upon the current market value of the cattle at the time of purchase.

5. Procurement of material at auction or at commodity index—excluding real property

The procurement officer shall be authorized to purchase material where the price of the material is established by auction or by a recognized, published commodity index, and where it is determined that competitive bidding is not practicable. Notwithstanding this provision, real property must be purchased in accordance with the requirements of ABOR Policy 7-203 (Purchases of Real Property).

6. Simplified Construction Procurement Program (A.R.S. §41-2535)

A procurement involving construction not exceeding one hundred thousand dollars ($100,000) may be made pursuant to rules adopted by the procurement officer in accordance with this section.
which shall be known as the simplified construction procurement program. These rules shall require that:

a. A list be maintained of firms/persons who desire to receive solicitations to bid on construction projects; additions shall be permitted throughout the year.

b. The list of firms/persons be available for public inspection.

c. Agreements for construction be on forms approved by the procurement officer.


e. All information submitted by bidders pursuant to this section be confidential according to ABOR Policy 3-803B.4 (Bidding and Source Selection Procedures, Competitive Sealed Bidding).

f. All bids for construction be opened at a public opening.

g. All persons desiring to submit bids be treated equitably and the information related to each project be available to all eligible persons.

h. Competition for construction projects under the simplified construction procurement program be encouraged to the maximum extent possible.

7. Record of Procurement Actions

Each university procurement officer shall maintain a record listing all sole source and emergency procurements in excess of $50,000 for a minimum of five (5) years. The records shall be available for public inspection and shall contain:

a. Each contractor's name.

b. The amount and type of each contract.

c. A listing of the materials, services, construction or construction services procured for each contract.
E. Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel

1. The services of clergy, Certified Public Accountants, financial advisors and consultants, physicians, dentists and legal counsel shall be procured in accordance with ABOR Policy 3-803E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel), except as authorized under ABOR Policy 3-803D (Bidding and Source Selection Procedures, Exceptions to Competitive Selection).

2. Persons engaged in providing the services specified in ABOR Policy 3-803E.1 (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel) above may submit statements of qualifications and expressions of interest in providing such types of services. The procurement officer may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

3. Adequate notice of the need for such services shall be given by the procurement officer through a request for proposals. The request for proposals shall describe the services required and list the type of information and data required of each offeror.

4. The selection committee may conduct discussions with any offeror who submits a proposal to determine the offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.

5. The award shall be made to the offeror determined in writing by the selection committee to be best qualified based on the evaluation factors set forth in the request for proposals and after a written determination that the compensation is fair and reasonable. Selection may be made pursuant to the provisions of this ABOR Policy 3-803E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel) without requiring priced proposals, but if price is included in proposals submitted, no contract may be
awarded solely on the basis of price. Written notice of award shall be public information and made part of the contract file.

6. No contract for the services of legal counsel shall be awarded without the prior approval of the Board or Counsel to the Board.

7. ABOR Policy 3-803E (Bidding and Source Selection Procedures, Competitive Selection Process for Clergy, Certified Public Accountants, Financial Advisors and Consultants, Physicians, Dentists and Legal Counsel) shall not preclude any university or the Board from employing professional personnel as employees of a university under the applicable conditions of service policies maintained by the Board.

F. Additional Provisions Related to Source Selection

1. An invitation for bids, a request for proposals, a request for qualifications, or other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation if it is in the best interest of the university. The reasons for the cancellation or rejection shall be made a part of the contract file.

2. Responsibility of Bidders and Offerors

   a. A bidder or offeror shall be required to provide written certification of compliance with applicable Arizona licensing requirements with submission of a bid or proposal.

   b. A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with procedures promulgated by the procurement officer. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility shall be grounds for a determination of nonresponsibility with respect to the bidder or offeror. A finding of nonresponsibility shall not be construed as a violation of the rights of any person.

   c. Except for the certification required in subparagraph a, information furnished by a bidder or offeror pursuant to this ABOR Policy 3-803F.2 (Bidding and Source Selection Procedures, Additional Provisions Related to Source Selection) may only be disclosed by the university procurement office, university legal counsel, the university...
president or the Board of Regents with prior written consent by the bidder or offeror except to law enforcement agencies.

3. Prospective contractors may be prequalified for particular types of materials, services and construction. Prospective contractors have a continuing duty to provide the university with information on any material change affecting the basis of their prequalification. Solicitation mailing lists of potential contractors shall include the prequalified prospective contractors. A prospective contractor may not be denied award of a contract simply because such prospective contractor was not prequalified. The fact that a prospective contractor has been prequalified does not necessarily represent the finding of responsibility.

4. Bid guaranty and performance bonds or other security to guarantee faithful bid and contract performance may be required for material or service contracts as the procurement officer deems advisable to protect the interests of the university. Any such requirements must be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of bidder responsibility.

5. Cost and Pricing Data

a. The submission of current cost or pricing data may be required in connection with an award in situations in which analysis of the proposed price is essential to determine that the price is reasonable and fair. A contractor shall, except as otherwise provided in ABOR Policy 3-803F.5.c. (Bidding and Source Selection Procedures, Additional Provisions Related to Source Selection, Cost and Price Data) below, submit current cost or pricing data and shall certify that, to the best of the contractor’s knowledge and belief, the cost or pricing data submitted was accurate, complete and current as of a mutually determined specified date before the date of either:

(1) The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, if the total contract price is expected to exceed an amount established by university procedures; or
(2) The pricing of any change order or contract modification which is expected to exceed an amount established by university procedures.

b. Any contract, change order or contract modification under which a certificate is required shall contain a provision that the price to the university shall be adjusted to exclude any significant amounts by which the university finds that the price was increased because the contractor furnished cost or pricing data which was inaccurate, incomplete or not current as of the date agreed on between the parties. Such adjustment by the university may include profit or fee.

c. The requirements of ABOR Policy 3-803F.5 (Bidding and Source Selection Procedures, Additional Provisions Related to Source Selection, Cost and Price Data) need not be applied to contracts if any of the following apply:

(1) The contract price is based on adequate price competition.

(2) The contract price is based on established catalog prices or market prices.

(3) Contract prices are set by law or regulation.

(4) It is determined in writing in accordance with university procedures that the requirements of this section may be waived, and the reasons for the waiver are stated in writing.

6. Types of Contracts

Subject to the limitations of this paragraph, any type of contract which will promote the best interests of the university may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only if a determination is made in writing that such contract is likely to be less costly to the university than any other or that it is impracticable to obtain the materials, services, construction or construction services required except under such a contract.

7. Except with respect to firm-price contracts, no contract type may be used unless it is determined in writing by the procurement officer.
that the proposed contractor's accounting system is adequate to allocate costs.

8. Multi-Term Contracts

a. Unless otherwise provided by law, a contract for materials or services may be entered into for a period of time up to five (5) years and a contract for job-order-contracting construction services may be entered into for a period of time up to five (5) years, as deemed to be in the best interest of a university, if the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and monies are available for the first fiscal period at the time of contracting. A contract may be entered into for materials or services for a period of time exceeding five (5) years if the university president or a designee determines in writing that such a contract would be advantageous to a university. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.

b. Before the use of a multi-term contract, it shall be determined in writing that:

(1) Estimated requirements cover the period of the contract and are reasonable and continuing.

(2) Such a contract will serve the best interests of the university by encouraging effective competition or otherwise promoting economies in university procurement.

c. If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials, services or job-order-contracting construction services delivered under the contract or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations available for such purpose.

9. A university may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor which is
related to the performance of any contract awarded or to be awarded by a university.

10. Right to Audit Records

a. A university may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order, or contract modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five (5) years from the date of final payment under the contract, unless a shorter period is otherwise authorized in writing by the procurement officer.

b. A university is entitled to audit the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five (5) years from the date of final payment under the prime contract and by the subcontractor for a period of five (5) years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing by the procurement officer.

11. If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the university legal counsel and to the Counsel for the Board of Regents, who shall inform the Attorney General.

12. All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the State Department of Library, Archives and Public Records.

13. A change order with respect to a contract for construction or construction services shall only be executed after applicable internal procedures set forth in Article A of Chapter VII (Buildings, Infrastructure and Land, Capital Planning and Development Process) have been complied with by the university.

G. Public-Private Technology Financing Partnership Contracts

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1. A university may enter into public-private partnership contracts to finance the technology needs of the university. The funding for services under a public-private partnership contract entered into pursuant to ABOR Policy 3-803 (Bidding and Source Selection Procedures) shall be contingent on and computed according to established performance standards and shall be attributable to the successful implementation of the technology program for the period specified in the contract. A university may issue requests for information and requests for proposals to solicit private partners that are interested in providing programs under a contract entered into pursuant to this section.

2. Each request for proposals issued pursuant to ABOR Policy 3-803 (Bidding and Source Selection Procedures) shall require each private partner to propose specific performance improvements and measurement approaches to be used to measure the value delivered by the vendor technology solution. The university shall include an assessment of the proposed value of the vendor technology solution in its evaluation criteria to select the best value solution for the university.

3. A contract entered into between a university and an automated systems vendor shall provide for payment of fees on a contractually specific amount based on the achievement of measured performance improvements that are mutually agreed to by the contractor and the university and monies for payment of these fees are not subject to legislative appropriation. The following are subject to review and approval by the president of the university:

   a. The terms of contracts entered into pursuant to ABOR Policy 3-803 (Bidding and Source Selection Procedures) relating to the measurement of the performance improvement attributable to the vendor technology program.

   b. Payment of fees based on the achievement of the established performance measures.

4. Before a public-private partnership contract is awarded pursuant to this Section, the Joint Legislative Budget Committee staff shall be consulted with regard to the potential fiscal impact of the contract to the state. If the Joint Legislative Budget Committee staff finds a significant negative fiscal impact to the state, the staff shall report its findings to the Joint Legislative Budget Committee.
A. Project Delivery Methods

1. A university may procure design services, construction and construction services, as applicable, under any of the following project delivery methods:


   c. Design-build.

   d. Job-order-contracting.

2. For the Design-bid-build project delivery method, the procurement officer shall procure:

   a. Design services pursuant to ABOR Policy 3-804B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except as otherwise provided in ABOR Policy 3-803D.1, D.2, and D.3 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements).

   b. Construction by competitive sealed bidding, except as otherwise provided in ABOR Policy 3-803D.1, D.2, D.3, and D.6 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements, Simplified Construction Procurement Program).

3. The procurement officer shall procure construction services under the Construction-manager-at-risk, Design-build and Job-order-contracting project delivery methods pursuant to ABOR Policy 3-804B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except as otherwise provided in ABOR Policy 3-803D.1, D.2, and D.3 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements, Simplified Construction Procurement Program).

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4. The procurement officer shall procure design services relating to a Construction-manager-at-risk construction services project pursuant to ABOR Policy 3-804B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except as otherwise provided in ABOR Policy 3-803D.1, D.2, and D.3 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements).

5. For Job-order-contracting construction services projects, the procurement officer shall procure any design services needed for the Job-order-contracting construction services projects and not included in the job-order-contracting construction services contract pursuant to ABOR Policy 3-804B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except as otherwise provided in ABOR Policy 3-803D.1, D.2, and D.3 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements).

B. Procurement of Professional Services and Construction Services; Definition

1. Professional services, Construction-manager-at-risk construction services, Design-build construction services and Job-order-contracting construction services shall be procured as provided in this Subsection except as authorized by ABOR Policy 3-803D.1, D.2 and D.3 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000, Sole Source Procurement, Emergency Procurements).

2. A university shall provide notice, as determined by the procurement officer, of each procurement of professional services or construction services and shall award contracts on the basis of demonstrated competence and qualifications for the type of professional services or construction services pursuant to procedures prescribed in ABOR Policy 3-804.B (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition).
3. In the procurement of professional services or construction services pursuant to this Section:

a. For procurement of professional services if the contract is for professional services by an architect or architect firm and the contract amount is two hundred fifty thousand dollars ($250,000) or less or is for professional services by a person or firm other than an architect or an architect firm and the contract amount is five hundred thousand dollars ($500,000) or less, the procurement officer shall encourage persons or firms engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience. The procurement officer shall initiate an appropriately qualified selection committee for each procurement, which may include one or more contracts, as determined by the procurement officer. The selection committee shall evaluate current statements of qualifications and experience on file with the university, together with those that may be submitted by other firms regarding the procurement. If possible, the selection committee shall conduct interviews with at least three (3) persons or firms regarding the procurement and the relative methods of furnishing the required services and, if possible, shall select, in order of preference and based on criteria established and published by the selection committee, a separate final list for each contract being procured of at least three (3) of the persons or firms deemed to be the most qualified to provide the services required. The selection committee shall base the selection of each final list and the order of preference on demonstrated competence and qualifications only.

The university and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this paragraph, including the selection of persons or firms to be interviewed, the selection of persons or firms to be on a final list, in determining the order of preference of persons and firms on a final list or for any other purpose in the selection process. For each contract for professional services included in the procurement, the procurement officer shall enter into separate negotiations for the contract with the highest qualified person or firm on the final list for the contract. The negotiations shall include consideration of compensation and other contract terms that the procurement officer determines to be fair and reasonable to the university.

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In making this determination, the procurement officer shall take into account the estimated value, the scope, the complexity and the nature of the professional services to be rendered. If the procurement officer is unable to negotiate a satisfactory contract with the highest qualified person or firm on the final list for the contract at a price and on other contract terms the procurement officer determines to be fair and reasonable to the university, the procurement officer shall formally terminate negotiations with that person or firm. The procurement officer may undertake negotiations with the next most qualified person or firm on the final list for the contract in sequence until an agreement is reached or a determination is made to reject all persons or firms on the final list for the contract.

b. For professional services if the contract amount is more than two hundred fifty thousand dollars ($250,000) for professional services by an architect or architect firm or five hundred thousand dollars ($500,000) for professional services by a person or firm other than an architect or architect firm and for all construction services, the university shall follow the procedure prescribed in ABOR Policy 3-804B.b., c., d., e., f., g., h., i., and j., (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition). Notwithstanding ABOR Policy 3-804B.a (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), for professional services otherwise subject to ABOR Policy 3-804B.a (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), the university may elect to follow the procedures prescribed in ABOR Policy 3-804B.b., c., d., e., f., g., h., i., and j., (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition). The procurement officer shall initiate an appropriate qualified selection committee for each request for qualifications, as determined by the procurement officer. If procuring professional services, the procurement officer shall determine the number and qualifications of the selection committee members. A selection committee for the procurement of construction services shall not have more than seven (7) members and shall include at least one (1) person who is a senior
management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to A.R.S. '32-121. These members may be employees of the university or outside consultants. Outside contractors, architects and engineers serving on a selection committee shall not receive compensation from the university for performing this service, but the university may elect to reimburse outside contractors, architects and engineers for travel, lodging and other expenses incurred in connection with service on a selection committee. A person who is a member of a selection committee shall not be a contractor under a contract awarded under the procurement or provide construction or construction services, materials or services under the contract. The selection committee shall:

(1) Evaluate the statements of qualifications and performance data that are submitted in response to the university’s request for qualifications.

(2) If determined by the university and included by the university in the request for qualifications, conduct interviews with at least three (3) but not more than five (5) persons or firms as specified in the request for qualifications regarding the professional services or construction services and the relative methods of approach for furnishing the required professional services or construction services except that if multiple contracts are being procured under a single request for qualifications, the number to be interviewed shall be at least three (3) and not more than the number of contracts plus two (2).

(3) After any interviews, in order of preference, based on the criteria and the weighting of the criteria included in the request for qualifications, select a final list for each contract of three of the persons or firms the selection committee deems to be the most qualified to provide the professional services or construction services and, in the case of a contract that will be negotiated under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement; Procurement of Professional Services and Construction Services; Definition), rank the three (3) persons or firms on the final list in order of preference.
The selection committee shall base the selection of the final list and the order of preference on demonstrated competence and qualifications only. If the request for qualifications solicited multiple contracts, the selection committee shall select a separate final list for each contract, except that if multiple contracts are being procured and if the request for qualifications specified that all of the multiple contracts will be awarded to a single contractor, the selection committee may select a single final list for all of the multiple contracts. If only two (2) responsible and responsive persons or firms respond to the request for qualifications or if persons or firms withdraw from the procurement process so that there are only two (2) responsible and responsive persons or firms remaining in the procurement process, the university may elect to have the selection committee proceed with the procurement, including interviews and the final list, with those two (2) persons or firms or the university may readvertise pursuant to ABOR Policy 3-804.B.3 (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition) as the university deems necessary or appropriate. If only one (1) responsive and responsible person or firm responds to the request for qualifications or if persons or firms withdraw from the procurement process for a contract or multiple contracts to be negotiated under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) so that only one (1) responsive and responsible person or firm remains in the procurement process, the university may elect to proceed with only one (1) person or firm in the procurement process and may award the contract or contracts to a single person or firm if the university determines in writing that the fee negotiated pursuant to ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) is fair and reasonable and either other prospective persons or firms had a reasonable opportunity to respond or there is not adequate time.
for a resolicitation. If a person or firm on the final list withdraws or is removed from the procurement process and the selection committee determines that it is in the best interest of the university, the selection committee may add to the final list as the last person on the final list another person or firm that submitted qualifications and that is selected by the selection committee as the next most qualified.

(4) Base the selection of the final list and order of preference on the final list on demonstrated competence and qualifications only.

c. The university shall issue a request for qualifications for each contract and give adequate public notice of the request for qualifications in the same manner as provided in ABOR Policy 3-803.B.3 (Bidding and Source Selection Procedures, Competitive Sealed Bidding). The request for qualifications shall state:

(1) the criteria to be used by the selection committee to select the person or firm to perform the professional services or the contraction services. The request for qualifications shall also state in a manner determined by the university the relative weight of the selection criteria and, if required under ABOR Policy 3-804B.3.h.(2) (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), that one of the criteria will be the person's or firm's subcontractor selection plan or procedures to implement the university's subcontractor selection plan.

(2) If the university will hold interviews as part of the selection process, that interviews shall be held with at least three (3) and no more than (5) persons or firms, except that if multiple contracts are being procured under a single request for qualifications solicitation under ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or a single request for qualifications and request for proposals solicitation under ABOR Policy 3-804B.3 and 6 (Professional Services and
d. A university may procure multiple contracts under a single request for qualifications procurement process under ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or, for job-order contracting construction services or design-build construction services, under a single request for qualifications and request for proposals procurement process under ABOR Policy 3-804B.3 and 6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition). If a university does this:

(1) The advertisement and the request for qualifications shall state that multiple contracts may or will be awarded, shall state the number of contracts that may or will be awarded and shall describe the services to be performed under each contract.

(2) There shall be a single selection process for all of the multiple contracts, except that for each contract there shall be a separate final list and a separate negotiation under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or a separate request for proposals competition under ABOR Policy 3-804B.6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition); however, if the request for qualifications specifies that all of the multiple contracts will be awarded to a single contractor, there may be a single final list and a single negotiation for all of the multiple contracts under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or a single request for proposals competition under ABOR Policy 3-804B.6

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(Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

(3) The university may award all of the multiple contracts to one contractor or may award the multiple contracts to multiple contractors.

e. For professional services, a university may procure multiple contracts using a single request for qualifications solicitation under ABOR Policy 3-804B (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except that professional services that are part of design-build construction services may only be procured as part of the design-build construction services procurement. Each of the multiple contracts for professional services must have a term not exceeding five (5) years and may continue in effect after the five (5) year term for professional services on projects commenced within the five (5) year term.

f. For job-order-contracting construction services, a university may procure multiple contracts using a single request for qualifications solicitation under ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or using a single request for qualifications and request for proposals solicitation under ABOR Policy 3-804B.3 and 6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

g. For construction-manager-at-risk construction services and for design-build construction services, a university may procure multiple contracts using a single request for qualifications solicitation under ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or for design-build construction services using a single request for qualifications and request for proposals solicitation under ABOR Policy 3-804B.3 and 6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) but in either
case only for a specific single project, portions of the specific single project shall be allocated to separate contracts.

h. For construction-manager-at-risk construction services, design-build construction services and job-order-contracting construction services if the contract or contracts will be negotiated under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or for job-order-contracting construction services if the contract will be awarded pursuant to ABOR Policy 3-804B.6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition):

(1) The person or firm selected to perform the construction services must select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone. A qualifications and price selection may be a single step selection based on a combination of qualifications and price or a two-step selection, in a two-step selection, the first step shall be based on qualifications alone and the second step may be based on a combination of qualifications and price or on price alone.

(2) The university shall include in the request for qualifications either:

(a) A requirement that each person or firm submit a proposed subcontractor selection plan, a requirement that the proposed subcontractor selection plan must select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone and, as a selection criteria under the request for qualifications, an evaluation of each person’s or firm’s proposed subcontractor selection plan.

(b) A subcontractor selection plan adopted by the university that will apply to the person or firm that is selected to perform the construction services.
services that requires subcontractors to be selected based on qualifications alone or on a combination of qualifications and price and not based on price alone, a requirement that each person or firm must submit a description of the procedures it proposes to use to carry out the university’s subcontractor selection plan and, as a selection criteria under the request for qualifications, an evaluation of each person’s or firm’s proposed procedures to carry out the university’s subcontractor selection plan.

(3) The university shall include in its contract with the selected person or firm either:

(a) If the university included its subcontractor selection plan in the request for qualifications, the university’s subcontractor selection plan the procedures proposed by the selected person or firms in submitting its qualifications with those modifications to the procedures as the university and the selected person or firm agree.

(b) If the university did not include its subcontractor selection plan in the request for qualifications, the subcontractor selection plan proposed by the selected person or firm in submitting its qualifications with those modifications as the university and the selected person or firm agree.

(4) In making the selection of subcontractors, the person or firm selected to perform the construction services shall use the subcontractor selection plan and any procedures included in its contract.

i. The university and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under ABOR Policy 3-804B.3 and 4 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), including the selection of the persons or firms to be interviewed, the selection of the persons or firms to be on
the final list, in determining the order of preference of persons or firms on the final list or for any other purpose in the selection process.

j. For construction-manager-at-risk construction services and design-build construction services, the contract or contracts under a single request for qualifications procurement process or for design-build construction services a single request for qualifications and request for proposals procurement process shall be limited to a specific single project.

4. The procurement officer shall award a contract for professional services or construction services to one of the persons or firms on the final list for that contract prepared pursuant to ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) as provided in ABOR Policy 3-804B.5 or 6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), except that,

a. if only two (2) persons or firms that the selection committee determines are qualified respond to the request for proposals pursuant to ABOR Policy 3-804B.6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) or if one of the three (3) persons or firms on the final list drops out of the selection process pursuant to ABOR Policy 3-804B.5 or 6 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) so that only two (2) of the persons or firms on the final list remain, the university, as the university deems necessary or appropriate, may elect to proceed with the procurement process with the two (2) persons or firms or elect to readvertise pursuant to ABOR Policy 3-804B.3.b (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

b. If only one responsive and responsible person or firm responds to the request for qualifications for a contract or multiple contracts to be negotiated under ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).
Procurement, Procurement of Professional Services and Construction Services; Definition) or if persons or firms withdraw from the procurement process so that only one responsive and responsible person or firm remains in the procurement process, the university may award the contract or contracts to a single person or firm if the university determines in writing that the fee negotiated pursuant to ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) is fair and reasonable and either other prospective persons or firms had a reasonable opportunity to respond or there is not adequate time for a resolicitation.

5. For each contract included in the request for qualifications, the procurement officer shall enter into separate negotiations for the contract with the highest qualified person or firm on the final list for that contract determined pursuant to ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition) for the professional services or construction services. However, if the request for qualifications is for multiple contracts and specifies that all of the multiple contracts will be awarded to a single contractor, there may be a single negotiation for all of the multiple contracts. The negotiations shall include consideration of compensation and other contract terms that the officer determines to be fair and reasonable to the university. In making this decision, the procurement officer shall take into account the estimated value, the scope, the complexity and the nature of the professional services or construction services to be rendered. If the procurement officer is unable to negotiate a satisfactory contract with the highest qualified person or firm on the final list, at a compensation and on other contract terms the procurement officer determines to be fair and reasonable to the university, the procurement officer shall formally terminate negotiations with that person or firm. The procurement officer may undertake negotiations with the next most qualified person or firm on the final list in sequence until an agreement is reached or a determination is made to reject all persons or firms on the final list. If a contract for construction services is entered into pursuant to this Subsection:

   a. If the contract is for construction-manager-at-risk construction services and includes preconstruction services by the contractor or if the contract is for design-build construction services, the university shall enter into a written

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contract with the contractor for preconstruction services under which contract the university shall pay the contractor a fee for preconstruction services in an amount agreed by the university and the contractor, and the university shall not request or obtain a fixed price or a guaranteed maximum price for the construction from the contractor or enter into a construction contract with the contractor until after the university has entered into the written contract for preconstruction services and a preconstruction services fee.

b. Construction shall not commence until the university and contractor agree in writing on either a fixed price that the university will pay for the construction to be commenced or a guaranteed maximum price for the construction to be commenced.

6. As an alternative to ABOR Policy 3-804B.5 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition), the procurement officer may award design-build construction services or job-order-contracting construction services as follows:

a. The procurement officer shall use the selection committee appointed for the request for qualifications pursuant to ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

b. The procurement officer shall issue a request for proposals to the persons or firms on the final list developed pursuant to ABOR Policy 3-804B.3 (Professional Services and Construction Services Procurement, Procurement of Professional Services and Construction Services; Definition).

c. For design-build construction services and job-order-contracting construction services, the request for proposals shall include:

(1) The university’s project schedule and project final design and construction budget or life cycle budget for a procurement that includes maintenance services or operations services.

(2) A statement that the contract or contracts will be awarded to the person or firm whose proposal

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receives the highest number of points under a scoring method.

(3) A description of the scoring method, including a list of the factors in the scoring method and the number of points allocated to each factor. The factors in the scoring method shall include:

(a) For Design-build construction services only, demonstrated compliance with the design requirements.

(b) Offeror qualifications.

(c) Offeror financial capacity.

(d) Compliance with the university’s project schedule.

(e) For Design-build construction services only, if the request for proposals specifies that the university will spend its project budget and not more than its project budget and is seeking the best proposal for the project budget, compliance of the offeror’s price or life cycle price for procurements that include maintenance services, operations services or finance services with the university’s budget as prescribed in the request for proposals.

(f) For Design-build construction services if the request for proposals does not contain the specifications prescribed in ABOR Policy 3-804.B.6.(3)(e) and for job-order-contracting construction services, the price or life cycle price for procurements that include maintenance services, operations services or finance services.

(g) An offeror quality management plan.

(h) Other evaluation factors as determined by the university, if any.
(4) For Design-build construction services only, the design requirements.

(5) A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal be responsive to the requirements in the request for proposals. For Design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.

(6) A statement that in applying the scoring method the selection committee will separately evaluate the technical proposal and the price proposal and will evaluate and score the technical proposal before opening the price proposal.

(7) If the university conducts discussions pursuant to ABOR Policy 3-804B.6.e (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition), a statement that discussions will be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.

d. If the university determines to conduct discussions pursuant to ABOR Policy 3-804B.6.e (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition), each offeror shall submit a preliminary technical proposal to the university before the discussions are held.

e. If determined by the university and included by the university in the request for proposals, the selection committee shall conduct discussions with all persons or firms that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the university. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. In conducting any discussions,
information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.

f. After completion of any discussions pursuant to ABOR Policy 3-804B.6.e (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition) or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.

g. Before opening any price proposal, the selection committee shall open the final technical proposals, evaluate the final technical proposals and score the final technical proposals using the scoring method in the request for proposals. No other factors or criteria may be used in the evaluation and scoring.

h. After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open the price proposals, evaluate the price proposals, score the price proposals and complete the scoring of the entire proposal using the scoring method in the request for proposals. No other factors or criteria may be used in the evaluation and scoring.

i. The procurement officer shall award the contract or contracts to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in the evaluation.

j. The contract or contracts file shall contain the basis on which the award is made.

k. For Design-build construction services only, the procurement officer shall award a stipulated fee equal to a percentage, as prescribed in the request for proposals, of the university's project final design and construction budget, as prescribed in the request for proposals, but not less than two-tenths (2/10) of 1 percent of the project final design and construction budget to each final list offeror who provides a responsive, but unsuccessful, proposal. If the procurement officer does not award a contract, all responsive final list offerors shall receive the stipulated fee based on the university's estimate of the project final design and construction budget as

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included in the request for proposals. The procurement officer shall pay the stipulated fee to each offeror within ninety (90) days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the procurement officer may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful offerors. Notwithstanding the other provisions of this paragraph, an unsuccessful final list offeror may elect to waive the stipulated fee. If an unsuccessful final list offeror elects to waive the stipulated fee, the university may not use ideas and information contained in the offeror’s proposal, except that this restriction does not prevent the university from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.

7. Until award and execution of a contract by a university, only the name of each person or firm on the final list developed pursuant to ABOR Policy 3-804B.3 (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition) Subsection B.3.b of this Section may be made available to the public. All other information received by the university in response to the request for qualifications or contained in the proposals shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing offerors during the selection process. The proposals shall be open to public inspection after the contract is awarded and the university has executed the contract. To the extent that the offeror designates and the university concurs, trade secrets and other proprietary data contained in a proposal remain confidential.

8. A university may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of the university. The university shall make the reasons for cancellation or rejection part of the contract file.

9. Notwithstanding any other law:

a. The contractor for Design-build or Job-order-contracting construction services is not required to be registered to perform design services pursuant to A.R.S. Title 32, Chapter
1. If the person or firm actually performing the design services on behalf of the contractor is appropriately registered.

b. The contractor for Construction-manager-at-risk, Design-build or Job-order-contracting construction services shall be licensed to perform construction pursuant to A.R.S. Title 32, Chapter 10.

10. For Job-order-contracting construction services only:

a. The maximum dollar amount of an individual job order shall be one million nine hundred ninety-nine thousand nine hundred ninety-nine dollars ($1,999,999). Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.

b. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the Job-order construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:

(1) The contractor has a duty to deliver promptly to each subcontractor invited to bid a coefficient to the contractor to do all or part of the work under one or more job orders:

(a) A copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid.

(b) A copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.

(2) If not previously delivered to the subcontractor, the contractor has a duty to deliver promptly the following to each subcontractor invited to or that has agreed to do any of the work included in any job order:

(a) A copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform.
(b) The number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform.

(c) The standard unit price for each standard individual task that is included in the job order and that the subcontractor is invited to perform.

11. Notwithstanding anything to the contrary in ABOR Policy, a university shall not:

a. Enter into a contract as contractor to provide Construction-manager-at-risk construction services, Design-build construction services or Job-order-contracting construction services.

b. Contract with itself, with another university, with the State of Arizona or with any other governmental unit of the State of Arizona or the federal government for the university to provide Construction-manager-at-risk construction services, Design-build construction services or Job-order-contracting construction services.

12. The prohibitions prescribed in ABOR Policy 3-804B.11 (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition) do not prohibit a university from providing construction for itself as provided by law.

13. The procurement officer shall include in each contract for construction services the full street or physical address of each separate location at which the construction will be performed and a requirement that the contractor and each subcontractor at any level include in each of its subcontracts the same address information. The contractor and each subcontractor at any level shall include in each subcontract the full street or physical address of each separate location at which construction work will be performed.

C. General Provisions

1. Any building, structure, addition or alteration of a public facility may be constructed with the use of the university's regularly employed personnel without advertising for bids provided that the total cost of
the work, excluding materials and equipment previously acquired by bid, does not exceed $25,000.

2. The provisions of ABOR Policy 3-803F (Bidding and Source Selection Procedures, Additional Provisions Related to Source Selection) shall apply to the procurement of construction services and professional services.

3. Detailed estimates of the cost of a construction project prepared for a university by a construction manager, design consultant or cost consultant shall remain confidential until after the bid opening, except when disclosed as provided in ABOR Policy 3-804B (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition). The university shall advise the construction manager or the design consultant of the amount of funds available for the project.

5. A university shall issue a notice to proceed only after the contract is fully executed upon receipt of proper bonds and insurance certificates.

D. Bid Security

1. As a guarantee that the contractor will enter into a contract, bid security is required for all construction services procured under ABOR Policy 3-804B.6 (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition) and for all construction if the university estimates that the budget for construction, excluding in the case of construction services the cost of any finance services, maintenance services, operations services, preconstruction services, design services, and any other related services included in the contract, will be more than the amount established in ABOR Policy 3-803D.6 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection). Bid security shall be a certified check, cashier’s check or surety bond.

2. Bid security shall be submitted in the following amounts:

   a. For Design-bid-build construction, 10 percent of the contractor’s bid.
b. For Design-build construction services awarded by competitive sealed proposals pursuant to ABOR Policy 3-804B.6 (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition), 10 percent of the university’s final design and construction budget for the project as stated in the request for proposals, excluding finance services, maintenance services, operating services, preconstruction services, design services, and any other related services included in the contract.

c. For Job-order-contracting construction services awarded by competitive sealed proposals pursuant to ABOR Policy 3-804B (Professional Services, Construction and Construction Services, Procurement of Professional Services and Construction Services; Definition), the amount prescribed by the university in the request for proposals, but not more than 10 percent of the university’s reasonably estimated budget for construction that the university believes is likely to actually be done during the first year under the contract, excluding any finance services, maintenance services, operations services, preconstruction services, design services, and any other related services included in the contract.

3. Nothing in this section prevents a university from requiring such bid security in relation to any construction contract. The surety bond shall be executed and furnished as required by A.R.S. Title 34, Chapter 2 or Chapter 6, as appropriate, and the conditions and provisions of the surety bond regarding the surety’s obligations shall follow the form required by A.R.S. §34-201 or §34-606 as appropriate.

4. If the invitation for bids or request for proposals requires security, noncompliance requires that the bid be rejected unless the procurement officer determines that the bid fails to comply in a nonsubstantial matter with the security requirements.

5. After the bids or proposals are opened, they are irrevocable for the period stated in the invitation for bids or request for proposals, except as provided in ABOR Policy 3-803C.6 (Bidding and Source Selection Procedures, Competitive Sealed Proposals) as to bids, and ABOR Policy 3-804B.6 (Professional Services, Construction and Construction Services, Procurement of Professional Services

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and Construction Services; Definition) as to proposals. If a bidder is permitted to withdraw its bid before award, no action may be had against the bidder or the bid security.

E. Contract Performance and Payment Bonds

1. The following bonds or security are required and are binding on the parties to the contract if the value of a construction award exceeds the amount established by ABOR Policy 3-803D.1 (Bidding and Source Selection Procedures, Exceptions to Competitive Selection, Procurement Not Exceeding $50,000).

a. A performance bond satisfactory to the university, executed by a surety company authorized to do business in this state, in an amount equal to 100 percent of the amount specified in the contract,

(1) except that, for Job-order-contracting construction services, the performance bond:

(a) shall cover the full amount of construction under the Job-order-contracting construction services contract,

(b) shall not include any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract,

(c) may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the university, and if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the university’s reasonable estimate of the amount of construction that the purchasing agency believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract

(2) except that for Construction-manager-at-risk construction services, and Design-build construction services, the amount of the performance bond shall
be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services, and other related services included in the contract.

This bond is solely for the protection of the university. The conditions of the performance bond regarding the surety’s obligation shall follow the form prescribed by the university.

b. A payment bond satisfactory to the university, executed by a surety company authorized to do business in this state, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the construction provided for in the contract, in an amount equal to 100 percent of the price specified in the contract:

(1) except that, for Job-order-contracting construction services, the payment bond:

(a) shall cover the full amount of construction under the Job-order-contracting construction services contract,

(b) shall not include any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract,

(c) may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the university, and if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the university’s reasonable estimate of the amount of construction that the university believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract.

(2) except that, for Construction-Manager-at-Risk construction services and Design-Build construction services, the amount of the payment bond shall be
the price of construction, excluding the cost of any
design services, preconstruction services, finance
services, maintenance services, operations services
and any other related services included in the
contract.

For Design-Bid-Build construction, the performance
bond and the payment bond shall be delivered by the
contractor to a university at the same time as the
contract is executed. For Construction-manager-at-
risk, Design-build and Job-order-contracting
construction services, the performance bond and the
payment bond shall be provided only on and at the
same time as execution of a contract or an
amendment to a contract that commits the contractor
to provide construction for a fixed-price, guaranteed
maximum price or other fixed amount within a
designated time-frame

c. In procurement of construction under the Design-bid-build
project delivery method, if a contractor fails to deliver the
required security, the contractor's bid shall be rejected, the
contractor’s bid security shall be enforced and award of the
contract may be made to the next lowest bidder.

2. ABOR Policy 3-804E (Professional Services, Construction and
Construction Services, Contract Performance and Payment Bonds)
shall not be construed to limit the authority of the university to
require a performance bond or other security in addition to those
bonds or in circumstances other than specified in ABOR Policy
3-804E. 1 (Professional Services, Construction and Construction
Services, Contract Performance and Payment Bonds):

3. Any person who furnished labor or material to the contractor or its
subcontractors for the work provided in the contract in respect of
which a payment bond is furnished under ABOR Policy 3-804E
(Professional Services, Construction and Construction Services,
Contract Performance and Payment Bonds) and who is not paid in
full within ninety (90) days from the date on which the last of the
labor was performed or material was supplied by the person for
whom the claim is made, has the right to sue on the payment bond
for any amount unpaid at the time the suit is instituted and to
prosecute the action for the amount due the person. However, any
person who had a contract with a subcontractor of the contractor,
but no express or implied contract with the contractor furnishing the
payment bond, has a right of action on the payment bond on giving the contractor only, a written preliminary twenty-day (20) notice as provided for in A.R.S. §33-992.01, subsection C, paragraphs 1, 2, 3 and 4 and subsections D, E and I, and upon giving written notice to the contractor within ninety (90) days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made.

The person shall state in the notice the amount claimed and the name of the party for whom the labor was performed or to whom the material was supplied. The notice shall be personally served or sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

4. Any suit instituted on a payment bond shall be brought in the Superior Court in the county in which the construction contract was to be performed, but no suit may be commenced later than one year after the date on which the last of the labor was performed or material was supplied by the person bringing the suit. The obligee named in the bond need not be joined as a party in the suit.

F. Bond Form

The board shall specify the form of the bonds required by this article.

G. Contract Payment Retention

1. Ten (10) percent of all construction contract payments shall be retained by a university as insurance of proper performance of a contract or, at the option of the contractor, a substitute security may be provided by the contractor in an authorized form pursuant to a policy adopted by the university. When the contract is 50 percent completed, one-half (1/2) of the amount retained shall be paid to the contractor by the university provided that the university has determined that the contractor is making satisfactory progress on the contract and there is no specific cause or claim requiring a greater amount to be retained. After the contract is 50 percent completed, no more than 5 percent of the amount of any subsequent progress payments made under the contract shall be retained by the university provided that the university has determined that the contractor is making satisfactory progress on the project, but if at any time the university determines satisfactory progress is not being made, then 10 percent retention shall be reinstated for all progress payments made under the contract.
subsequent to that determination. The contractor is entitled to all
interest from any substitute security. Any retention shall be paid or
substitute security shall be returned to the contractor within sixty
(60) days after final completion and acceptance of work under the
contract. Retention of payments by a university longer than sixty
(60) days after final completion and acceptance requires a specific
written finding by the university of the reasons justifying the delay in
payment. A university may not retain any monies after sixty (60)
days which are in excess of the amount necessary to pay the
expenses the university reasonably expects to incur in order to pay
or discharge the expenses determined by the finding justifying the
retention of monies. A university shall not accept any substitute
security unless accompanied by a signed and acknowledged waiver
of any right or power of the obligor to set off any claim against
either the university or the contractor in relationship to the security
assigned. In any instance in which the university accepts substitute
security as provided in ABOR Policy 3-804G (Professional
Services, Construction and Construction Services, Contract
Payment Retention), any subcontractor undertaking to perform any
part of the contract is entitled to provide such security to the
contractor.

2. Notwithstanding anything to the contrary in ABOR Policy 3-804G
(Professional Services, Construction and Construction Services,
Contract Payment Retention) or in any other ABOR policy or in any
other law:

a. There shall be no retention for Job-order-contracting
construction services contracts and the university may
elect to have no retention for construction-manager-at-risk and design-build construction services

b. ABOR Policy 3-804G (Professional Services, Construction and
Construction Services, Contract Payment Retention) applies only to
amounts payable in a construction services contract for
construction and does not apply to amounts payable in a
construction services contract for design services, preconstruction
services, finance services, maintenance services, operations
services and any other related services included in the contract.

H. Progress Payment

1. Progress payments may be made by a university to the contractor
on a monthly basis and within thirty (30) days after receipt of a
certified and approved estimate of the work performed during a
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preceding period of time, except that a percentage of all estimates shall be retained as and to the extent provided in ABOR Policy 3-804G (Professional Services Construction and Construction Services, Contract Payment Retention) above. The progress payments shall be paid on or before fourteen (14) days after the estimate of the work is certified and approved. The estimate of the work shall be deemed received by the university on submission to any person designated by the university for the submission, review and approval of the estimate of the work. An estimate of the work submitted under this paragraph shall be deemed approved and certified after seven (7) days from the date of submission unless before that time the university or university’s agent prepares and issues a specific written finding detailing those items in the estimate of the work that are not approved and certified under the contract. The owner may withhold an amount from the progress payment sufficient to pay the expenses the owner reasonably expects to incur in correcting the deficiency set forth in the written finding. On completion and acceptance of separate divisions of the contract on which the price is stated separately in the contract, payment may be made in full including retained percentages, less deductions, unless a substitute security has been provided pursuant to ABOR Policy 3-804G (Professional Services, Construction and Construction Services, Contract Payment Retention) above. No contract for construction may materially alter the rights of any contractor, subcontractor or material supplier to receive prompt and timely payment as provided under this section.

2. The contractor shall pay to the contractor’s subcontractors and material suppliers and each subcontractor shall pay to the subcontractor’s subcontractor or material supplier, within seven (7) days of receipt of each progress payment, unless otherwise agreed in writing by the parties, the respective amounts allowed the contractor or subcontractor on account of the work performed by the contractor’s or subcontractor’s subcontractors, to the extent of each such subcontractor’s interest therein, except that no contract for construction may materially alter the rights of any contractor, subcontractor or material supplier to receive prompt and timely payment as provided under this section. These payments to subcontractors or material suppliers shall be based on payments received pursuant to this section. The subcontractor or material supplier shall notify the Registrar of Contractors and the university in writing of any payment less than the amount or percentage approved for the class or item of work as set forth in ABOR Policy.
3-804 (Professional Services, Construction and Construction Services).

3. A subcontractor may notify the university in writing requesting that the subcontractor be notified by the university in writing within five (5) days from the payment of each progress payment made to the contractor. The subcontractor’s request remains in effect for the duration of the subcontractor’s work on the project.

4. Nothing in the university procurement code prevents the contractor or subcontractor, at the time of application and certification to the university or contractor, from withholding such application and certification to the university or contractor for payment to the subcontractor or materials supplier for unsatisfactory job progress, defective construction work or materials not remedied, disputed work or materials, third-party claims filed or reasonable evidence that a claim will be filed, failure of a subcontractor to make timely payments for labor, equipment and materials, damage to the contractor or another subcontractor, reasonable evidence that the subcontract cannot be completed for the unpaid balance of the subcontract sum, or a reasonable amount for retention that does not exceed the actual percentage retained by the owner.

5. If any payment to a contractor is delayed after the date due interest shall be paid at the rate of 1 percent per month or a fraction of the month on such unpaid balance as may be due.

6. If any periodic or final payment to a subcontractor is delayed by more than seven (7) days after receipt of periodic or final payment by the contractor or subcontractor, the contractor or subcontractor shall pay the contractor’s or subcontractor’s subcontractor or material supplier interest, beginning on the eighth (8th) day, at the rate of 1 percent per calendar month or a fraction of a calendar month on such unpaid balance as may be due.

7. Notwithstanding anything to the contrary in ABOR Policy 3-804H (Professional Services, Construction and Construction Services, Progress Payment) ABOR 3-804H applies only to amounts payable in a construction services contract for construction and does not apply to amounts payable in a construction services contract for design services, preconstruction services, finance services, maintenance services, operations services or any other related services included in the contract.

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A. Duties of Procurement Officer

1. The procurement officer shall establish guidelines consistent with this Code and other Board policies governing the preparation, maintenance and content of specifications for materials, services, construction and construction services required by a university.

2. The procurement officer shall establish specifications based on considerations of energy conservation for the procurement of selected energy consumptive materials.

3. Notwithstanding anything else in the ABOR procurement code, all procurement solicitations for volatile organic compound containing commodities shall include a request for substitute commodities with lower or no volatile organic content. Substitute products shall not have increased toxicity compared to the original commodity.

B. Maximum Practicable Competition

All specifications, including those prepared by architects, engineers, consultants and others for university contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the university's needs and shall not be unduly restrictive.

1. Where brand name only is specified, the reasons for this shall be documented in the bid file and approved by the procurement officer or his designee.

2. Brand name or equivalent specifications for goods anticipated to cost more than $50,000 shall identify key features of the item unless the reasons for not doing so are documented and approved by the procurement officer or his designee.
A. General Requirements

1. The procurement officer shall include in all contracts, the following:
   a. Necessary clauses which will provide for appropriate remedies, adjustments in prices, time of performance or other contract provisions.
   b. Clauses mandated by Board policy, including this Code.
   c. Clauses necessary to meet the requirements of guidelines issued by Counsel to the Board and approved by the Board.

2. Variations from the requirement in Paragraph 1 above may occur when supported by a written determination that indicates the circumstances justifying the variation and provided that notice of any material variation is stated in the solicitation.

3. All contract clauses shall be consistent with the provisions of Board policies, including this Code, and state and federal law.

B. Standard Contracts for Construction Projects

1. Standard contracts approved by counsel shall be used for the procurement of professional design services, construction services or construction management services with respect to all construction projects.

2. Variations from the terms of standard contracts may occur when necessary to accommodate the requirements of a specific project provided the variations do not materially or adversely affect university or Board rights or interests and are approved by local university counsel.

3. Variations which in the opinion of Counsel to the Board substantially and/or materially change the terms and requirements of the standard contracts require prior approval by Counsel to the Board.

4. Standard contracts are subject to revision by Counsel.

5. Standard contracts are subject to joint annual review by the universities and Counsel. Counsel shall report on the need for any substantial or material revisions to standard contracts.
C. Professional Liability Insurance

1. Contracts for the procurement of the services of a design consultant shall include, in addition to any other insurance requirements, professional responsibility insurance providing for errors and omissions coverage for the benefit of the university in an amount which is reasonable for any project whose total cost is estimated at two million dollars or less, and in the minimum amount of one million dollars ($1,000,000) for any project whose total cost is estimated to be greater than two million dollars.

2. Contracts for the procurement of consultant services not in connection with a specific construction project or concerning nonconstruction activities may be exempt from professional liability insurance requirements at the discretion of the university.

D. Cost Principles

The procurement officer at each university shall promulgate procedures that set forth cost principles which shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions which provide for the reimbursement of costs.

E. Negotiation in Construction Contracts

A construction contract shall include a provision which provides for negotiations between the university and the contractor for the recovery of damages related to expenses incurred by the contractor for a delay for which the university is solely responsible, which is unreasonable under the circumstances and which was not within the contemplation of the parties to the contract. This section shall not be construed to void any provision in the contract which requires notice of delays, provides for arbitration or other procedure for settlement or provides for liquidated damages.
3-807 Materials Management

A. Appropriate Procedures

1. The procurement officer shall promulgate procedures governing:

   a. The acquisition and distribution of federal surplus materials.

   b. The sale, lease or disposal of surplus materials by public auction, competitive sealed bidding or other appropriate method designated by regulation.

   c. The purchase of any such materials by an employee of the owning or disposing agency.

   d. The transfer of excess and surplus materials.

   e. The trade-in of excess or surplus materials.

2. Each university may acquire and distribute from the United States government surplus materials as may be usable and necessary for public purposes.
3-808 Intergovernmental Procurement

A. Definitions

In this Section, unless the context otherwise requires:

1. “Cooperative purchasing” means procurement conducted by, or on behalf of, one or more public procurement units or one or more nonprofit educational or public health institutions and the Board for itself, a consortia purchasing group, one or more universities, or both. This term does not mean any internal cooperative agreement or consortium agreement existing only between and among the Board and/or one or more universities under its jurisdiction.

2. “Eligible procurement unit” means a public procurement unit or a nonprofit educational or public health institution participating in a cooperative purchasing agreement.

3. “Local public procurement unit” means any political subdivision and any agency, board, department or other instrumentality of such political subdivision, but not the Board or a university.

4. “Nonprofit educational or public health institution” means any educational or public health institution, no part of the income of which is distributable to its members, directors or officers, but does not mean the Board or any institution under its jurisdiction.

5. “Public procurement unit” means either a local public procurement unit, the Arizona Department of Administration, any other state, or any agency of the United States.

B. Cooperative Purchasing Authorized

1. Any university may either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any materials, services, or construction with one or more eligible procurement units in accordance with an agreement entered into between and among the eligible procurement units. An agreement entered into as provided in this Section 3-808 is exempt from A.R.S. ‘11-952, Subsections D, E, and F. Parties under a cooperative purchasing agreement may:

   a. Sponsor, conduct or administer a cooperative agreement for the procurement, use or disposal of any materials, services, or construction.
b. Cooperatively use currently owned and/or newly acquired materials or services.

e. Commonly use or share currently owned and/or newly acquired warehousing facilities, capital equipment and other facilities.

d. Provide personnel, except that the requesting eligible procurement unit or university shall pay the eligible procurement unit or university providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.

e. On request, make available to other eligible procurement units or universities information, technical or other services that may assist in improving the efficiency or economy of procurement. The eligible procurement unit or university furnishing the informational or technical services has the right to request reimbursement for the reasonable and necessary costs of providing such services.

2. The activities described in Subparagraphs a. through e. of Paragraph 1 above do not limit what parties may do under a cooperative purchasing agreement.

C. Cooperative Purchasing Agreement in Form of a Requirements Contract

Any requirements contract with an eligible procurement unit entered into pursuant to Subsection B above shall provide that:

1. Payment for materials or services and inspection and acceptance of materials or services ordered by the eligible procurement unit or university under the requirements contract shall be the exclusive obligation of such unit or university.

2. The exercise of any rights or remedies by the eligible procurement unit or university shall be the exclusive obligation of such unit or university.

3. The Board or university may terminate without notice any cooperative purchasing agreement if the eligible procurement unit fails to comply with the terms of the contract.
4. Failure of an eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require the Board or a university to exercise its own rights or remedies.

5. The eligible procurement unit shall not use a cooperative agreement with the Board as a method for obtaining additional concessions or reduced prices for similar material or services.

D. Use of Payments Received by a Supplying Public Procurement Unit or University

All payments received by a public procurement unit or university supplying personnel or services shall be available to the supplying public procurement unit or university to defray the cost of the cooperative program.

E. Public Procurement Units or Universities in Compliance with Code Requirements

If the public procurement unit or university administering a cooperative purchase complies with the requirements of this Code, any public procurement unit or university participating in such a purchase is deemed to have complied with this Code. A university may not participate in a cooperative purchasing agreement for the purpose of circumventing this Code.

F. Contract Controversies

1. Under a cooperative purchasing agreement in which the Board is a party, controversies arising between an administering public procurement unit or university and its bidders, offerors or contractors shall be resolved in accordance with Section 3-809 of this Code.

2. Procedures other than those set forth in Section 3-809 of this Code may be used where agreed to by the parties to the cooperative agreement and approved by Counsel to the Board.

G. A university may purchase approved materials and service directly from Arizona Industries for the Blind and Arizona Correctional Enterprises without competitive bidding.

H. If a procurement involves the expenditure of federal assistance or contract monies, the university involved in the procurement shall comply with
federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in this Code.
A. Definitions

In this Section, unless the context otherwise requires:

1. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. It may also include persons doing business under a variety of names, or where there is a parent-subsidiary relationship between persons.

2. "Award" means the earliest of (a) issuance of a notice to proceed, (b) execution of a contract, or (c) authorization to contract provided by the Board or its designee for such purpose.

3. "Debarment" means an action taken by the president, or designee under Subsection D below to prohibit a person or entity from participating in procurements with the Board or any university or both. The period of debarment shall be for not less than one year nor more than five years.

4. "Designee" means a duly authorized representative of a university president or, where appropriate, of the President of the Board.

5. "Filed" means delivery to the procurement officer, to the university president, or to the President of the Board, whichever is applicable. A time/date stamp affixed to a document by the office of the procurement officer, the university president or the President of the Board, whichever is applicable, shall be determinative of the time of delivery for purposes of filing.

6. "Governing instruments" means those legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter and bylaws.

7. "Interested party" means an actual or prospective bidder or offeror whose direct economic interest may be affected by the issuance of a solicitation, the award of a contract, or by the failure to award a contract. Whether an actual prospective bidder or offeror has a direct economic interest will depend upon the circumstances in each case. At a minimum, the interest must be substantial and must be tangibly affected by the administrative action or proposed...
action concerned in the case. For instance, a bidder who is fourth in line for award does not have a sufficient economic interest to protest the proposed award of a contract to the low bidder.

8. "President" or "university president" means the president of a university or, where appropriate, the President of the Board.

9. "Receipt" or "Received" means delivery to the last known address of the addressee to whom the document is sent. A document, if undeliverable, is deemed to have been received by the addressee if properly sent to the addressee's last known address. A document that is placed in the mail and that is properly addressed and not returned is presumed to have been received within five days of mailing unless the addressee can show otherwise.

10. "Suspension" means an action taken by a president temporarily disqualifying a person from participating in procurements with the Board and/or any university. The period of suspension shall not exceed one year.

B. Bid Protests

1. Delegation of Authority

a. Initial review and resolution of bid protests shall be conducted by the procurement officer or designee for the university.

b. Final decision on appeal of bid protests shall be made by the university president or a designee other than the procurement officer.

2. Filing of Protests

a. Any interested party may protest a solicitation issued by a university, or the proposed award or the award of a contract with a university by filing a notice of protest.

b. Time for Filing Protest

(1) Protests concerning improprieties in a solicitation

(a) In procurements inviting bids, protests based upon alleged errors, irregularities or improprieties in a solicitation that are apparent
before the bid opening shall be filed before the bid opening.

(b) In procurements requesting proposals, protests based upon alleged errors, irregularities or improprieties in a solicitation that are apparent before the closing date for receipt of initial proposals shall be filed before the closing date for receipt of initial proposals. Protests concerning improprieties that do not exist in the initial solicitation, but that are subsequently incorporated into the solicitation, shall be filed by the next closing date for receipt of proposals following the incorporation.

(2) In cases other than those covered in Subdivision (1) above, protests shall be filed no later than ten days after a contract is awarded in connection with the procurement action.

(3) Failure to timely protest shall be deemed a waiver of all rights under this Code.

e. Content of Notice of Protest

The notice of protest shall be in writing and shall include the following information:

(1) The name, address and telephone number of the protestor;

(2) The signature of the protestor or its representative;

(3) Identification of the university and the solicitation or contract number;

(4) A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and

(5) The form of relief requested.

d. Upon receipt of the protest, the procurement officer shall within five working days give notice of the protest to the
successful contractor if award has been made or, if no award has been made, to all interested parties.

e. Stay of Procurements During the Protest

If a protest is filed before the award of a contract, no award shall be made until the protest has been resolved, unless the president or a designee other than the procurement officer makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the university or the Board.

f. Protected Information

(1) Materials submitted by a protestor shall not be withheld from any interested party except to the extent that the withholding of information is required by law or is permitted by law and specifically requested by the protestor.

(2) If the protestor believes the protest contains material that should be withheld, a statement advising the procurement officer of this fact shall accompany the notice of protest and the information shall be so identified wherever it appears. The president or a designee shall review the statement and information and shall determine whether the information shall be withheld. Information shall be withheld if its nonrelease is necessary to protect the interests of the university, the Board or the State. The president's determination shall be in writing and state the reasons for the determination.

3. Decision by the Procurement Officer

a. The university procurement officer shall issue a written decision within twenty days of receipt of the notice of protest.

b. The decision shall contain an explanation of the basis of the decision. The procurement officer shall furnish a copy of the decision to the protestor by certified mail, return receipt requested, or by any other method that provides evidence of receipt.
c. The time limit for a decision may be extended by the procurement officer for a reasonable time not to exceed thirty days. The procurement officer shall notify the protestor in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

d. If the procurement officer fails to issue a decision within the time limits set forth above, the protestor may proceed as if the procurement officer had issued an adverse decision.

e. Remedies

(1) If the university procurement officer sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with this Code or procedures promulgated thereunder, the procurement officer shall implement an appropriate remedy.

(2) In determining an appropriate remedy, the procurement officer shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the university's mission.

(3) An appropriate remedy may include one or more of the following:

(a) Decline to exercise an option to renew under the contract;

(b) Terminate the contract;

(c) Reissue the solicitation;

(d) Issue a new solicitation;

(e) Award a contract consistent with this Code and the procedures promulgated thereunder;
(f) Reject all bids or proposals without further action; or

(g) Such other relief as is determined necessary to ensure compliance with this Code or procedures promulgated thereunder.

4. Appeal to the President

a. When an appeal is sought to be taken, a notice of appeal from a decision entered or deemed to be entered by the procurement officer shall be filed with the university president within five days from the date the decision is received.

b. Final decision on an appeal to the president shall be made by the president or a designee other than the procurement officer. Any hearing on appeal shall be conducted by the official with authority to make a final decision, or by a hearing officer appointed by the official with authority to make a final decision.

c. The notice of appeal shall contain:

   (1) The information set forth in Paragraph 2.c of Subsection B, including the identification of protected information in the manner set forth in Paragraph 2.f of Subsection B.

   (2) A copy of the decision of the procurement officer; and

   (3) The basis for the appeal.

d. The official or hearing officer conducting the appeal shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.

e. Stay of Procurement during Appeal

   If an appeal is filed before an award of contract and the award of the contract was stayed by the procurement officer.
pursuant to Paragraph 2.e of Subsection B, the filing of an appeal shall automatically continue the stay unless the official or hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the university, the Board, or the State.

f. Dismissal before Hearing

The official or hearing officer conducting the appeal shall dismiss, upon a written determination, an appeal if:

(1) The appeal does not state a valid basis for protest; or

(2) The appeal is untimely.

g. Hearings on appeals of bid protest decisions shall be conducted pursuant to the provisions of Subsection F of this Section 3-809, except that a protestor may waive his right to an evidentiary hearing in favor of a review by the hearing officer based solely on the documentation available to the procurement officer.

h. Remedies

If the appeal is sustained in whole or in part, and a determination is made that a solicitation, proposed award, or award does not comply with this Code or procedures promulgated thereunder, an appropriate remedy shall be implemented pursuant to the provisions of Paragraph 3.e of Subsection B.

C. Contract Claims and Controversies

1. Delegation of Authority

a. Initial review and efforts to resolve or settle a contract claim or controversy shall be conducted by the university procurement officer, except that any settlement of a claim or controversy in excess of $25,000 shall require the prior written approval of the president or a designee other than the procurement officer.

b. Final decision on an appeal to the president shall be made by the president or a designee other than the procurement officer.
officer. Any hearing on appeal shall be conducted by the official with authority to make a final decision, or by a hearing officer appointed by the official with authority to make a final decision.

2. Initiation of Claim or Controversy

a. A contract controversy may be brought to the attention of the contractor by the procurement officer or may be brought to the attention of the procurement officer by the contractor.

b. A contract claim made by a contractor shall be filed in writing with the procurement officer within the time period set forth in the procurement contract, but in no event later than one year after the date on which the last of the labor was performed or material was supplied by the contractor.

3. The parties to any contract claim or controversy may agree to have the work or performance under the contract proceed under a reservation of rights so as not to waive the right of any party in the matter.

4. Procurement Officer's Decision

a. Where a contract controversy is submitted by the procurement officer to the contractor and is not resolved by mutual agreement, the procurement officer shall promptly refer the matter to the president for a hearing pursuant to Paragraph 6 below.

b. If a controversy or claim submitted or filed by a contractor cannot be resolved by mutual agreement, the procurement officer shall issue a final decision. Upon a written request by the contractor for a final decision, the procurement officer shall promptly issue that decision no more than 120 days after receipt of the request. Before issuing a final decision, the procurement officer shall review the facts pertinent to the controversy or claim and secure any necessary assistance from legal, fiscal, and other advisors.

(1) Where the claim or controversy exceeds $50,000, the time limit for a final decision may be extended for a reasonable time not to exceed thirty days. The procurement officer shall notify the contractor in writing that the time for the issuance of a decision has expired.

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been extended and the date by which a decision shall be issued.

(2) The time limit for a decision involving a claim or controversy amounting to $50,000 or less may not be extended.

(3) If the procurement officer fails to issue a decision within 120 days after receipt of a request to do so or within any permitted extension of that time period, the contractor may proceed as if the procurement officer had issued an adverse decision.

c. The procurement officer shall furnish a copy of the decision to the contractor by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The decision shall include:

(1) A description of the controversy;

(2) A reference to the pertinent contract provisions;

(3) A statement of the factual areas of agreement or disagreement;

(4) A statement of the procurement officer’s decision, with supporting rationale;

(5) A paragraph substantially as follows:

This is the final decision of the procurement officer. This decision may be appealed to the president of the university. If you decide to make such an appeal, you must mail or otherwise furnish written notice of appeal to the president within five days from the date you receive this decision.

5. Appeal to the President

a. A written notice of appeal from a final decision of a procurement officer on a claim or controversy must be filed with the university president within five days of the receipt of the decision.
b. Final decision on an appeal to the president shall be made by the president or a designee other than the procurement officer. Any hearing on appeal shall be conducted by the official with authority to make a final decision, or by a hearing officer appointed by the official with authority to make a final decision.

6. Hearings on appeals of decisions related to contract claims or controversies shall be conducted in accordance with the provisions of Subsection F of this Section 3-809.

D. Debarment or Suspension

1. Delegation of Authority

a. A university officer designated by the president has authority pursuant to Paragraph 2 of this Subsection D to propose action to suspend or debar a person from procurement activity with any university and the Board.

b. A final decision to debar or suspend a person or an affected affiliate from participating in procurements shall be made by the president or designee.

2. Initiation of Debarment or Suspension Action

Upon receipt of information concerning a possible cause for debarment, the designated university officer shall investigate or have investigated the possible cause. If the officer has a reasonable basis to believe that a cause for debarment exists, that officer may propose debarment or suspension proceedings by filing a proposal for debarment or suspension with the office designated by the president.

3. Notice

a. Except as provided in Subparagraph c. below, if suspension or debarment is proposed, the designated university officer shall notify the person and affected affiliates in writing within seven days by certified mail, return receipt requested, of the proposed suspension or debarment and that the person may request a hearing which shall be scheduled in accordance with this Section 3-809.
b. Except as provided in Subparagraph c. below, if suspension or debarment of an affiliate is also proposed in the notice under subparagraph a. above, the affiliate shall have a right to appear in any hearing on the proposed suspension or debarment to show mitigating circumstances. The affiliate shall in writing advise the designated university officer within thirty days of receipt of the notice of its intention to appear under Subparagraph b. Failure to provide written notice of appearance within this period shall be a waiver of the right to appear.

c. The designated university officer, upon notice, may suspend or debar a person or an affiliate under suspension or debarment by the State or any federal procurement agency who has had a prior opportunity for hearing in connection with the suspension or debarment by the State or any federal procurement agency. The period of such suspension or debarment from procurement with the Board and any university or both shall run concurrently with the suspension or debarment by the State or federal procurement agency.

4. Grounds for Suspension or Debarment

a. A person may be suspended or debarred where reasonable grounds are found to exist.

b. Grounds for suspension or debarment include the following:

(1) Conviction of any person or any subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(2) Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a state contractor.
(3) Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes.

(4) Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, such as either of the following:

(a) Knowingly fails without good cause to perform in accordance with the specifications or within the time limit provided in the contract.

(b) Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

(5) Any other cause deemed to affect responsibility as a state contractor, including suspension or debarment of such person or any subsidiary or affiliate of such person by another governmental entity.

5. Imputed Knowledge

a. Improper conduct, as set forth in Paragraph 4 above, may be imputed to an affiliate for purposes of suspension or debarment where the impropriety occurred in connection with the affiliate’s duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.

b. Improper conduct, as set forth in Paragraph 4 above, of a person or its affiliate having a contract with a contractor may be imputed to the contractor for purposes of debarment where the impropriety occurred in connection with the person’s duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.

6. Reinstatement

a. A request for reinstatement shall not be considered until at least one year has run on the debarment. At that time, the designated university officer may reinstate a debarred contractor.
person or rescind the debarment upon a determination that the cause upon which the debarment is based no longer exists.

b. Any debarred person may request reinstatement by submitting a petition to the designated university officer supported by documentary evidence showing that the cause for debarment no longer exists or has been substantially mitigated.

c. The designated university officer may require a hearing on the request for reinstatement.

d. The decision on reinstatement shall be in writing and specify the factors on which it is based.

e. Decisions on reinstatement requests are not subject to appeal.

7. Limited Participation

The Board may allow a debarred person to participate in contracts with the Board on a limited basis during the debarment period upon a written determination that participation is advantageous to the Board, the university or the State. The determination shall specify the factors on which it is based and define the extent of the limits imposed.

8. Hearing Procedure

Hearings required or permitted under this Subsection D shall be conducted pursuant to the provisions of Subsection F below.

E. Hearing Officer or Official Conducting Hearing

1. Any hearing required or permitted under this Section 3-809 may be conducted by a hearing officer appointed for that purpose or by the official with authority to make a final decision in the matter.

2. A decision by a hearing officer or by the official with authority to make a final decision shall be based on the evidence presented at hearing and shall include proposed findings of fact and conclusions of law. However, a decision by a hearing officer shall only constitute a recommendation to be submitted to the official with authority to make a final decision.
3. A hearing officer or other official conducting any hearing under this Code shall have such powers and duties as are set forth in this subsection and in Subsection F below.

F. General Hearing Procedures

1. All hearings required or permitted under these rules shall be conducted as contested cases pursuant to these rules and the provisions of Article 1, Chapter 6, Title 41, Arizona Revised Statutes.

2. Proper and adequate written notice of the time, date and place of hearings shall be made by the hearing officer.

3. All hearings shall be recorded manually or by a recording device. A transcribed record of the hearing shall be made available at cost to the requesting party.

4. The hearings shall be conducted in an informal manner without formal rules of evidence or procedure.

5. The hearing officer may:
   
a. Hold pre-hearing conferences to settle, simplify, or identify the issues in the proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;

b. Require parties to state their positions concerning the various issues in the proceedings;

c. Require parties to produce for examination those relevant witnesses and documents under their control;

d. Rule on motions, and other procedural items pending before such officer;

e. Regulate the course of the hearing and conduct of participants;

f. Establish time limits for submission of motions or memoranda;

g. Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
(1) Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence.

(2) Excluding all testimony of an unresponsive or evasive witness; and

(3) Expelling any person from further participation in the hearing.

h. Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice; and

i. Administer oaths or affirmations.

6. Unless the hearing officer has been authorized to make a final decision, in accordance with Section 3-809(C), the recommendation of the hearing officer shall be transmitted to the official with authority to make a final decision. The official may affirm, modify or reject the recommendation and order further appropriate proceedings. The recommendation when affirmed or modified, signed by the official with authority to make a final decision and filed shall constitute the decision on the matter, which shall be final.

7. The decision shall be sent to all parties by certified mail, return receipt requested. The decision shall state that a party adversely affected may within ten days of mailing request a rehearing.

G. Rehearing or Review of Final Decision

1. Any party who is aggrieved by a final decision of the official with authority to make a final decision may file with the official, not later than ten days after mailing of the decision, a written motion for rehearing or review of the decision specifying the particular grounds. Any supporting affidavit shall accompany the motion.

2. Interested parties shall be notified of the request. A response may be filed by an interested party within five days after receipt of the notice. The official with authority to make a final decision may require the filing of written briefs and may provide for oral argument.
3. A rehearing of the decision may be granted for any of the following causes materially affecting the moving party’s rights:

   a. Irregularity in the proceedings or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;

   b. Misconduct of the official with authority to make a final decision, the hearing officer, or any party;

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

   d. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;

   e. Excessive or insufficient penalties;

   f. Error in the admission or rejection of evidence or other error of law occurring;

   g. A showing that the decision is not justified by the evidence or is contrary to law.

4. A decision concerning a request for rehearing shall be in writing and state the basis for the decision. A decision granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

5. The official with authority to make a final decision, within the time for filing a motion for rehearing under this Subsection G, may, on his own initiative, order a rehearing or review of the decision for any reason for which he might have granted a rehearing on motion of a party.

H. Master List

1. The Board shall maintain a master list of debarments, suspensions and voluntary exclusions under this Section 3-809. The master list shall show the following:
a. The names of those persons whom the universities or the President of the Board have debarred or suspended under this Section 3-809.

b. The period of debarment or suspension, including the expiration date;

c. The basis for the debarment or suspension; and

d. A separate section listing persons voluntarily excluded from participation in university contracts.

I. Miscellaneous

1. Notwithstanding any law to the contrary, including the provisions of Title 12, Chapter 7, Article 2, this Section 3-809 and the procedures provided by this Section shall be the exclusive procedures for asserting a claim against the Board or a university arising in relation to any procurement conducted under this Code.

2. Any final decision of an official with authority to make a final decision in a matter referred to in this Section 3-809 is subject to judicial review pursuant to Title 12, Chapter 7, Article 6 by any party to the proceedings before the official. Any complaint shall be served upon the Arizona Board of Regents by service upon the President of the Board within the time prescribed pursuant to A.R.S. '12-904.

3. The applicable procedures set forth in this Section 3-809, including the procedure on rehearing set forth in Subsection G, is a jurisdictional prerequisite to obtaining a final decision for which judicial review may be sought. The failure to complete any applicable procedure shall constitute a failure to exhaust administrative remedies.
3-810 Small Business Procurement Program

A. Procurement for Small Business

1. Each fiscal year a university shall award contracts or portions of contracts for construction, reconstruction, or rehabilitation of buildings and for purchase of materials or services to small business as defined in A.R.S. §41-1001, in accordance with the procedures for bidding and source selection set forth in this Code.

2. A university will make a good faith effort to ensure that the total value of contracts or portions of contracts awarded pursuant to this section is at least 15 percent of the average of the total value of all competitive contracts let by the university for each of the previous three fiscal years. For purposes of determining the extent to which the goal set forth in this provision is being or has been met each year, a university may include that portion of any contract award which represents work performed by a subcontractor of a contractor, provided that the subcontractor, but not the contractor, is a small business.

B. Payment on Contract Awards

1. A contractor which is a small business shall receive payment in full on all sums due and owing on a contract awarded pursuant to this section no later than 30 days after the due date of a payment on the contract. A subcontractor to a contract awarded pursuant to this section shall receive payment in full on all sums due and owing by the contractor which is a small business no later than 30 days after the contractor receives payment from the university.

2. If a university has received written notice that a contractor which is a small business has not paid a subcontractor within the 30 days required by this subsection B, then such contractor shall not be awarded any contract by the university for one year from the date of such nonpayment. A university shall not be required to verify the accuracy of any written notice and upon withdrawal of such written notice or upon determining that the information in such notice is inaccurate, the restrictions of this paragraph shall no longer be in effect.

C. Annual Report

Within 60 days after the end of the fiscal year, the procurement officer at each university shall prepare and have available a report showing
university efforts to comply with the requirements of subsection A, paragraph 2. The first such annual report shall be prepared at the end of the 1986-87 fiscal year.
EXECUTIVE SUMMARY

Item Name: Central Plant Emergency Power System Upgrades Project Approval (ASU)

☐ Committee Recommendation to Full Board
☒ Full Board Approval

Issue: Arizona State University asks the board for Project Approval of the Central Plant Emergency Power System Upgrades project. This $5,828,000 capital project will be financed with system revenue bonds.

Previous Board Action
- FY 2017 Capital Development Plan June 2016

Enterprise or University Strategic Plan
(Check the element(s) of the strategic plan that this item supports or advances)
- ☒ Empower Student Success and Learning
- ☒ Advance Educational Attainment within Arizona
- ☐ Create New Knowledge
- ☐ Impact Arizona
- ☐ Compliance
- ☐ Real property purchase/sale/lease
- ☐ Other:

Statutory/Policy Requirements

- ☒ ABOR Policy 7-109 requires approval of renovation or infrastructure projects with a total project cost over $5 million before contracts can be executed and construction can begin.

Project Justification/Description/Scope
The Central Plant provides critical support to ASU’s Tempe campus facilities by supplying ninety percent of the required cooling and heating, as well as serving as a primary and emergency source of power.

The proposed project to upgrade the Central Plant emergency power system originated from recommendations outlined in a utility system reliability and redundancy study. This study identified certain components of the Central Plant electrical and emergency power generation system that are not reliable and thus require replacement. The study also determined that the existing emergency generator capacity within the Central Plant is not adequate to support critical information technology, laboratory equipment and life safety systems. Therefore, generator capacity should be increased for the Tempe campus Central Plant.

Contact Information:
Morgan R. Olsen, Executive Vice President, Treasurer and CFO • (480) 727-9820 • Morgan.R.Olsen@asu.edu
In order to meet future operational expectations for reliability and efficiency, the following replacements and upgrades to the Central Plant emergency power system are necessary:

- Demolish one of three existing steam boilers, that has exceeded its useful life and is not in service, and repurpose the space to accommodate two new, energy-efficient 1.75 MW diesel engine electrical generators. One of the two generators will be installed as part of this project, with space available to add an additional generator at a future date. The new generator will provide the additional generation system capacity required to provide “N + 1” redundancy, since each component will have at least one independent backup component.

- Replace obsolete paralleling switchgear that has experienced numerous technical problems and is not reliable. This project will install a medium-voltage transfer switch that complies with the National Electrical Code requirements for emergency generator systems.

- Construct a new two-hour wall on the west side of the facility to comply with the requirements of NFPA Standard 110 for Level 1 emergency power systems. A roll-up door also will be added on the west side of the Central Plant steam boiler space to facilitate the installation and servicing of the generators.

**Project Delivery Method and Process**

- This project will be delivered through the Construction Manager at Risk (CMAR) delivery method. This approach was selected to provide contractor design input and coordination throughout the project, alleviate potentially adversarial project environments, and allow for the selection of the most qualified contractor team. With the use of two independent cost estimates at each phase, and pre-qualified, low-bid subcontractor work for the actual construction, CMAR project delivery also provides a high level of cost and quality control.

- ASU selected Spectrum Engineering as the Design Professional (DP) for this project. The Annual Request for Qualifications process was utilized to select Spectrum.

- The selection of the CMAR is in process. Eight responses have been received and four firms will be interviewed. The CMAR will be selected upon completion of the interview process.
Project Status and Schedule

- This project is in the design phase, with construction scheduled to begin when all approvals are in place. Construction will be completed approximately sixteen months after CMAR construction contracts are awarded.

Project Cost

- The budget for this 4,000 gross square foot project is $5.828 million.

- For this Project Approval Phase, the DP has provided external cost estimates from independent design efforts.

- The CMAR will be at risk to provide the completed project within the agreed-upon Guaranteed Maximum Price (GMP). A final report on project control procedures, including change orders and contingency use, will be provided at project completion.

Fiscal Impact and Financing Plan:

- The $5.828 million project will be funded with Infrastructure Enhancement and Modification system revenue bond proceeds approved for issuance at the June 2016 Board meeting. Debt service on the bonds will be funded by tuition.

- Debt ratio impact: The debt service associated with this project will increase the debt ratio by 0.02 percent.

- Operations and maintenance costs for this project are estimated at $10,500 annually, funded by tuition.

Occupancy Plan

- Neither Central Plant operation nor vehicular and pedestrian building access will be affected by this project. Decommissioned equipment will be removed to create the space required to complete this project.

Committee Review and Recommendation

The Business and Finance Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.
Requested Action

Arizona State University asks the board for Project Approval for the Central Plant Emergency Power System Upgrades project, as presented in this Executive Summary.
Capital Project Information Summary

University: Arizona State University  Project Name: Central Plant Emergency Power System Upgrades

Project Description and Location:
This project will improve the reliability and redundancy of the Central Plant emergency power system, which provides critical support to Tempe campus facilities. The Central Plant is located in the core of the Tempe campus. Please refer to the attached map for details.

Project Schedule:
Planning  September 2016
Design  November 2016
Construction  April 2017
Construction Completion  January 2018

Project Budget:
Total Project Cost  $ 5,828,000
Total Construction Project Cost  $ 4,395,000
Total Project Cost per GSF  N/A
Construction Cost per GSF  N/A

Change in Annual Operations and Maintenance Cost:
Utilities  $ 4,500
Personnel  0
All Other Operating and Maintenance  6,000
Subtotal  $ 10,500

Funding Sources:
Capital
A. System Revenue Bonds  $ 5,828,000
   Funding Source for Debt Service: Tuition
Operation/Maintenance  $ 10,500
   Funding Source: Tuition
## Capital Project Budget Summary

**University:** ASU at the Tempe Campus  
**Project:** Central Plant Emergency Power System Upgrades  
**Project Approval**

### Capital Costs

1. **Land Acquisition**
2. **Construction Cost**
   - A. New Construction
   - B. Renovation  
     - $4,120,000
   - C. Special Fixed Equipment
   - D. Site Development (excl. 2.E.)
   - E. Parking and Landscaping
   - F. Utilities Extensions
   - G. Other* (Demolition)  
     - $275,000

**Subtotal Construction Cost**  
- $4,395,000

3. **Fees**
   - A. CMAR Pre-Construction
   - B. Architect/Engineer  
     - $433,000
   - C. Other

**Subtotal Consultant Fees**  
- $433,000

4. **FF&E Movable**

5. **Contingency, Design Phase**  
- $55,300

6. **Contingency, Constr. Phase**  
- $452,500

7. **Parking Reserve**

8. **Telecommunications Equipment/Security**

**Subtotal Items 4-8**  
- $507,800

9. **Additional University Costs**
   - A. Surveys, Tests, Haz. Mat. Abatement  
     - $250,000
   - B. Move-In Costs
   - C. Printing Advertisement
   - D. Keying, Signage, Facilities Support  
     - $18,000
   - E. Project Management Cost (4%)  
     - $206,850
   - F. State Risk Mgt. Ins. (.0034**)  
     - $17,350

**Subtotal Addl. Univ. Costs**  
- $492,200

**Total Capital Cost**  
- $5,828,000

* Universities shall identify items included in this category  
** State Risk Mgmt. Insurance factor is calculated on construction costs and consultant fees.
CENTRAL PLANT EMERGENCY POWER SYSTEM UPGRADES PROJECT
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EXECUTIVE SUMMARY

Item Name: 7-Year Academic Program Review Reports (ASU, NAU, UA)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The universities ask the board to approve the summary reports of the 7-Year Academic Program Reviews for each university completed during the 2015-2016 academic year.

Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements
ABOR Policy 2-225, “Academic Program Review”

Background

- ABOR Policy 2-225, requires the universities to conduct a review of each academic program at least once every seven years and, annually, to report the results of the reports to the Academic Affairs Committee for the preceding year.

- These extensive reviews are a primary mechanism for assessing and improving program quality by the institutions and for reporting to the board on these efforts.

Contact Information:
Mark Searle, Provost, ASU (480) 965-9585 mark.searle@asu.edu
Jim Coleman, Provost, NAU (928) 523-2230 jim.coleman@nau.edu
Andrew Comrie, Provost, UA (520) 621-1856 comrie@email.arizona.edu
Shelley McGrath, ABOR (602) 229-2529 shelley.mcgrath@azregents.edu
Discussion
The summary reports of Academic Program Reviews completed during this past year highlight key outcomes in a format approved by the committee. Each academic program review includes the following information:

I. Narrative Summary

A brief 2-page overview addressing these key areas:

1. Scope of the Academic Program Review
2. Quality improvements completed since the previous APRs
3. Outcomes of the most recent APRs
   ▪ Strengths
   ▪ Areas of concern/constraints
   ▪ Recommendations
4. Quality improvements planned
5. Information on program fees (if applicable)
6. Low-productive programs are based on graduation thresholds (if applicable). Graduation thresholds are programs which fall below thresholds for the previous three years and are considered low productive and require additional justification.
7. High level information on enrollments by program level, graduation and faculty and staff are included for each program.

The 2015-2016 institutional reports will be found immediately following this executive summary:

<table>
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<th>University</th>
<th>Pages</th>
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<tr>
<td>Arizona State University</td>
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<td>Northern Arizona University</td>
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<td>The University of Arizona</td>
<td>99 -- 151</td>
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</table>

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action
The universities ask the board to review and approve the summary reports of the 7-Year Academic Program Reviews for each university completed during the 2015-2016 academic year.
College of Public Service and Community Solutions

School of Social Work

Herberger Institute for Design and the Arts

School of Art
School of Film, Dance, and Theatre
The Design School

Architecture
Interior Design
Landscape Architecture

Ira A Fulton Schools of Engineering

Aerospace Engineering
Biomedical Engineering
Chemical Engineering
Civil Engineering
Computer Science
Computer Systems Engineering
Construction Engineering
Electrical Engineering
Engineering Management
Engineering
Graphic Information Technology
Industrial Engineering
Manufacturing Engineering
Materials Science and Engineering
Mechanical Engineering
Software Engineering
A. Scope of the Program Review

Bachelor of Social Work, Master of Social Work

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The School has undergone significant growth since its last review. They have developed an assessment program using data from a combination of field performance evaluations, classroom assignment grades and graduating student surveys to assess mastery of competencies for both the BSW and MSW programs. The program is now being offered online as well as face-to-face. Currently, the School has 72 students enrolled in the BA in Community Advocacy and Social Policy and 447 enrolled in the MSW, both of which are Online programs.

C. Outcomes of the Most Recent APR

Strengths:

In order to incorporate the voices of the students in all aspects of the program they hold “open mic” sessions for students to meet with the School’s Director and the MSW Program Coordinator. The same is true for the BSW students

Faculty teaching the Advanced Direct Practice (ADP) and Policy, Administration and Community (PAC) concentrations in the MSW emphasize knowledge, at a higher level, with greater complexity, greater focus on intervention skill, and deeper self-reflection than at the BSW level. They prepare advanced students for leadership in the field.

The Field Director is an academic professional who is 100% dedicated to the oversight and leadership of field education. In addition, a BSW Field Coordinator, a clinical faculty member with no teaching, research, or service responsibilities, dedicates 100% of her time to student success in field education. The School also has a Faculty Associate Coordinator who has developed hiring policies and expectations for the Faculty Associates. They have developed a website where FAs can find information, and they deliver a series of workshops to support FAs.

As the program has grown, their structure of program fees has provided resources needed to match the growth and support the mission of the school. The School of Social work is a leader as an applied discipline, committed to the public good and to community outcomes with a focus on community engagement and changing lives.
Forty-Six percent of the students in the School of Social Work are students of color and 30% of new tenure-track faculty hires are faculty of color. The School also strives for gender equity in the faculty composition. The curriculum is designed to include the integration of diversity content. Part of the context for the program is the Southwest cultural context with a large Native American population and resources have gone to enhancements such as offering a new elective and the addition of module content on the Indian Child Welfare Act to ensure greater understanding of that policy.

Concerns/Recommendations:

The accreditors made no mention of concerns other than a recommendation to make some modifications to their assessment measures.

D. Quality Improvements Planned

The MSW Graduating Student Survey instrument has been revised to reflect the advanced practice behavior definitions requested for Accreditation Standard M2.0.4. They have worked to frame foundation competency items as student self-report measures rather than items capturing students’ report. There is also data being collected on the programs’ effectiveness in enabling students to master competencies. Data collection in the revised survey took place in April 2016 and will be available annually.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

Undergraduate Social Work $325/semester
Master of Social Work $650/semester
## School of Social Work

### College of Public Service and Community Solutions

**Full-Time Equivalent (Fall Adjusted)**

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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<td><strong>1,341</strong></td>
<td><strong>1,338</strong></td>
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### Degrees

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### State Funds Personnel (Fall Census)

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<td>32.5</td>
<td>41.3</td>
<td>39.0</td>
<td>33.2</td>
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<td><strong>0.8</strong></td>
<td><strong>1.5</strong></td>
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</table>
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A. Scope of the Program Review

BA in Art; BFA in Art; MA in Art; MFA in Art; PhD in Design, Environment and the Arts;

B. Quality Improvements Since Previous APR

Year of previous review: 2007-08
During this report cycle, The School of Art has made significant strides in program development and growth. The School has risen to its national ranking that demonstrates ASU campus and divisional goals in leadership, innovation/creativity, academic excellence and accessibility as a 21st century public research university. Within the last year the School of Art has opened a collection of studios in downtown Phoenix called Grant Street Studios. They offer an ongoing Visiting Artist and Scholar Lecture Series there.

C. Outcomes of the Most Recent APR

Strengths:

Faculty members have demonstrated very high levels of commitment to their teaching, student engagement, and scholarly endeavors. These qualities have been the mainstay of the high national reputation the School enjoys and has earned nationally over the years.

The curriculum and the desire to maintain its connection to current developments within the respective fields represented in the programs within the School is significant. It was demonstrated that the programs, curriculum, and focus on providing the highest quality of education in art is and has been a priority of the School, the programs, and faculty.

The School of Art has developed a meaningful relationship with the community including engagement with the Phoenix Art Museum, SMoCA, ASU Art Museum, and the Visiting Artist and Scholar Lecture Series have given the School local and regional presence and prominence in the artistic community.

Concerns/Recommendations:

Issues of diversity need to be further addressed. Faculty members of the School of Art are strongly aligned with the ASU Charter that states that part of the
comprehensive mission of the institution is to foster inclusion and success of all of its students and that it is a basic social responsibility to support a diverse community.

The School of Art has struggled with the economic challenges over this reporting period, and site visitors recommend continued and increased efforts be made to maintain the physical facilities as well as funding to maintain equipment and technology necessary to support quality learning and research in art.

D. Quality Improvements Planned

Seven of the 11 full-time tenure-track faculty hires made within this review cycle were of faculty from under-represented populations. Graduate student diversity continues to increase, especially with an increase in Latina/o and Native American Students. The School has also been working to increase inclusion in the classroom by hosting a pilot “Best Practices” panel during the spring 2016 faculty meeting in partnership with the ASU Office of Inclusion and Community Engagement.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

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<th>Program Type</th>
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<td>Differential Tuition</td>
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<td>$400/semester</td>
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### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT  
Part I: Narrative

Unit for Review  Film, Dance, and Theatre

College/School  Herberger Institute for Design and the Arts

University  Arizona State University

A. Scope of the Program Review

BA in Performance and Movement; BA in Digital Culture (Film); BA in Digital Culture (Theatre); BA in Film (Film and Media Production); BA in Theatre (Acting); BA in Theatre; BA in Theatre (Design and Production); BFA in Dance (Dance Education); BA in Film (Filmmaking Practices); BFA in Dance; BA in Digital Culture (Interdisciplinary Arts and Performance); MFA in Dance; MA in Theatre; PhD in Theatre (Performance America); MFA in Theatre (Dramatic Writing); MA in Creative Enterprise and Cultural Leadership; MFA in Dance (Interdisciplinary Digital Media and Performance); PhD in Theatre for Youth; MFA in Theatre (Directing); MFA in Theatre for Youth; MFA in Theatre (Interdisciplinary Digital Media); MFA in Theatre Performance; MFA in Theatre (Arts Entrepreneurship and Management); MFA in Theatre (Performance Design).

B. Quality Improvements Since Previous APR

Year of previous review: 2007-08  
This is the first review after the formation of the merged School.

The School has just appointed Tiffany Lopez as the new director of the School. Formerly the director of the School of Film, Dance and Theatre at University of California Riverside, she brings more than 30 years of engagement within the arts community and 21 years as an academic to the role.

C. Outcomes of the Most Recent APR

Strengths:

Faculty and staff of the School of Film, Dance, and Theatre share a deep commitment to diversity and inclusion. The have a shared vision of a highly integrated and collaborative Institute. They imagine themselves as creative drivers within the University at large, and relentlessly pursue new models for a 21st century arts school. The School’s highest ambition – to place students at the center of public life while preparing them to advance culture, build community, and address pressing sociological concerns – constitutes a unique and distinctive vision with enthusiastic accord from faculty, staff, and the students themselves.

They share an innovative and collaborative mission to work in collaborative and interdisciplinary ways to engage the community consistent with the larger ASU mission of the New American University, “by embedding designers, artists, and arts-
based inquiry at its core and throughout communities it serves.” Faculty and staff share a unanimity of purpose and aspirations as well as disruptive and forward thinking strategies.

**Concerns/Recommendations:**

In order to facilitate better communication and overall shared purposes going forward leadership of the School needs to be addressed. A designated Head of Acting, Head of Film, and Head of Dance should be appointed and empowered and charged with curriculum reform and communication. This will provide a better opportunity for the School to examine and align the current curriculum with the goals of the Institute and the School of Film, Dance, and Theatre. More consistency in the administrative vision will help all units to achieve their shared vision of collaboration and innovation.

In some areas of the School, growth in the undergraduate programs has outpaced the growth in staffing, resources and space. A new leadership structure could address these issues and create a framework that more fully integrates the School into a single entity to address growth issues.

**D. Quality Improvements Planned**

Student and faculty diversity deserves some attention. Incremental steps are being made, but the visiting team recommends a more concentrated and immediate effort is needed to address this issue.

The visitors encourage a greater emphasis on development and fundraising at the program level. The School might want to explore other ways of income generation such as community based classes in popular subjects such as Dance, Integrated Media Technology, Television Acting, and Film courses. The School could also create programs to include parents and alumni to create relationships and funding opportunities for scholarships and production support.

**E. Low Productive Degree Programs (If applicable)**

N/A

**F. Program Fee Information**

<table>
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<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs (Fr/So)</th>
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<th>Differential Tuition</th>
<th>Undergraduate Programs (Jr/Sr)</th>
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| Student and faculty diversity deserves some attention. Incremental steps are being made, but the visiting team recommends a more concentrated and immediate effort is needed to address this issue. The visitors encourage a greater emphasis on development and fundraising at the program level. The School might want to explore other ways of income generation such as community based classes in popular subjects such as Dance, Integrated Media Technology, Television Acting, and Film courses. The School could also create programs to include parents and alumni to create relationships and funding opportunities for scholarships and production support.**E. Low Productive Degree Programs (If applicable)**

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**F. Program Fee Information**

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<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs (Fr/So)</th>
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<td>BA in Film</td>
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<th>Undergraduate Programs (Jr/Sr)</th>
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* FTE may not total exactly due to rounding

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT
Part I: Narrative

Unit for Review: Architecture
The Design School

College/School: Herberger Institute for Design and the Arts

University: Arizona State University

A. Scope of the Program Review

Master of Architecture

B. Quality Improvements Since Previous APR

Year of previous review: 2006-07

All deficiencies from the 2006 Site Visit have been corrected and the team found that the program now meets the criterions in question, some with distinction.

Since 2005 the School of Architecture and Landscape Architecture has gone through continuing and extensive organizational and administrative changes to transform it into The Design School within the Herberger Institute for Design and the Arts at ASU. The reconfigured Design School includes Architecture, Landscape Architecture, Urban Design, Interior Design, Industrial Design, Environmental Systems Design, Visual Communication Design, and Design Research.

C. Outcomes of the Most Recent APR

Strengths:

The Master of Architecture program at ASU is a vibrant learning environment with energetic students and dedicated faculty members. The school director and program coordinator are excited about the architecture program and are extremely caring of its future development.

The faculty are accomplished and exhibit diverse work in the academic research and professional practices. They are dedicated to teaching and mentorship.

The students are strongly involved in school-wide leadership, diverse, and possess the advanced ability in the digital presentation of architecture.

The Design School has a devotion to review, assessment, and coordination of the program. The atmosphere in the School provides outstanding regional and international off-campus learning opportunities for the entire student body. The structure of the School, along with the support of the administration, has opened opportunities for cross-discipline collaboration unavailable to stand-alone architecture programs. The School has shaped its collaborative structure through the
integration of architecture and other disciplines of the Design School, along with the creation of “clusters” and “bundles” encouraging concurrent Master’s degree programs along with requiring regional and international travel for every student in the program.

During the second year of the Master in Architecture program, the school focuses on the issues of the greater good, community outreach, 21st century challenges and sponsored research and international travel. The cost of required travel outside of the country is included in the school's program fees. This outstanding program of collaboration, design excellence, and community involvement has managed to provide a superb architectural education to its students despite funding cuts and a faltering economy.

**Concerns/Recommendations:**

The restructuring to create the Herberger Institute for Design and the Arts has created a measurable loss of identity and autonomy that will be difficult to regain. The Herberger Institute Research Center formerly housed in The Design School was relocated to the Herberger Institute facilities and has subsequently ceased to function. The Design School is left without research staff support and its attendant grant writing expertise and ultimately, this relocation will diminish the program’s standing in the research community.

The Council of Design Excellence, a major force for community outreach to professionals, developers and community leaders, was relocated from The Design School to the Herberger Institute, resulting in a significant reduction in capability for community outreach by the School.

The Site Visit Team could not find any evidence of an ability to write outline specification as required in the student performance criteria. The program has appointed an Intern Development Program (IDP) Coordinator, but student awareness of the IDP requirements remains unclear. Accrediting conditions require clear communications of the requirements of IDP to all students at an appropriate time in the professional program. The team, in discussions with the student body, did not find evidence of this communication.

**D. Quality Improvements Planned**

The Design School is presently addressing the recommendations above.

**E. Low Productive Degree Programs (If applicable)**

N/A

**F. Program Fee Information**

Master of Architecture $2,425/semester
### The Design School  
Herberger Institute for Design and the Arts

#### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

#### Student Majors Headcount (Fall)

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#### Degrees

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#### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Interior Design
                The Design School

College/School  Herberger Institute for Design and the Arts

University     Arizona State University

A. Scope of the Program Review

BS in Design – Interior Design

B. Quality Improvements Since Previous APR

Year of previous review: 2008-09

There were no unresolved issues in the program from the previous accreditation visit.

C. Outcomes of the Most Recent APR

Strengths:

The Interior Design program has gone through a number of iterations since it began at ASU in the early 1970s. It is one of five majors in The Design School; others are industrial design, visual communications design, architecture, and landscape architecture. This facilitates collaboration among the departments, which is encouraged and supported by the faculty and administration.

ASU is one of the largest universities in the United States and provides facilities that support the major, such as digital labs, prototype/modeling shop, library, etc.

ASU’s urban setting gives students access to resources such as museums, design firms, and showrooms; it has strong support from the local design community; and there are opportunities for community involvement.

In the 2013-14 academic year, the program began offering shared freshman fundamental design courses with the architecture and landscape architecture departments. A portfolio review is conducted at the end of the freshman year to determine whether a student can continue in the major.

Concerns/Recommendations:

The visiting team found insufficient evidence within the student work display to assess students’ ability to integrate oral and visuals ideas clearly. However, following student interviews, the team concluded that this was not a concern since student work as well as interviews showed that students were effective communicators.
D. Quality Improvements Planned

The accrediting agency has been supportive and complementary about the programs in The Design School. The Design School has responded to suggestions by continuing to evolve the programs to make them more effective.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs (Fr/So)</th>
<th>$150/semester</th>
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<tr>
<td>Differential Tuition</td>
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### Interior Design
The Design School
Herberger Institute for Design and the Arts

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* FTE may not total exactly due to rounding

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Landscape Architecture
                The Design School

College/School  Herberger Institute for Design and the Arts

University      Arizona State University

A. Scope of the Program Review

BS in Landscape Architecture; Master in Landscape Architecture

B. Quality Improvements Since Previous APR

Year of previous review: 2006-07
Since the last accreditation there has been a significant university reorganization that has impacted the Landscape Architecture program. In summer of 2008 the university approved a graduate program in Landscape Architecture and the program admitted its first class of MLA students. In 2009 the College of Design, the home college for Landscape Architecture, merged with the Herberger College of the Arts to form the Herberger Institute for Design and the Arts. As part of that merger the program joined the School of Design Innovation and became part of The Design School in the Herberger Institute for Design and the Arts.

C. Outcomes of the Most Recent APR

Strengths:

The curriculum is well designed to prepare students for both the public and private practice of the profession. Basic elements of the MLA are covered and relate well to the strong undergraduate academic offering of the university.

Students are encouraged to pursue enrichment activities such as internships and study abroad. Digital technology is appropriate for a program of this size and the technical support appears to be well organized and timely.

Facilities are in good condition and meet the needs of the program. Computer labs are being updated and studio spaces are being improved. Overall, the facilities create a very positive learning environment and support both the faculty and the students in achieving their goals.

Concerns/Recommendations:

The programs should develop a long-range plan with short-term, measureable goals, and clarify and communicate the program’s identity and value both internally and externally.
The program should develop a systematic method for reviewing and revising the long-term plan along with resources and strategies to support it.

The unit should develop a promotional strategy that makes information on the program easily available to potential students.

The program should assess support personnel needs, specifically in the areas of enrollment management, student recruitment, and admissions and communications.

The program should also assess salary and gender equities.

D. Quality Improvements Planned

The program has been authorized to search for three new tenure track faculty members, but the searches are not yet completed.

Suggestions from the Accreditation Team:
The program should explore programs on the ASU campus that may serve as a potential pool of future graduate students, and develop a formal mechanism for alumni to participate through advice and suggestions in the ongoing refinement, improvement, and evaluation of the MLA degree program.

The program is planning to develop promotional materials that highlight the degree program curricula for internal and external audiences, and engage all faculty involved in course development and delivery in faculty-wide discussions of instructional methods, course content, and student achievement in related courses.

The program will improve coordination between the Graduate Program Coordinator and the Landscape Architecture Program Coordinator to better serve the advising needs of the students.

The Dean and Director will encourage faculty to participate in university-level assignments in areas that will raise the visibility of the program in the campus community.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs (Fr/So)</th>
<th>$150/semester</th>
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<tr>
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<td>Master of Landscape Architecture</td>
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## The Design School
Herberger Institute for Design and the Arts

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* FTE may not total exactly due to rounding

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<td>15.8</td>
<td>17.3</td>
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</table>
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A. **Scope of the Program Review**

BSE in Aerospace Engineering

B. **Quality Improvements Since Previous APR**

Year of previous review: 2009-10

The program provides a concentration in either aeronautics or astronautics. A concentration in autonomous vehicle systems is under development.

C. **Outcomes of the Most Recent APR**

**Strengths:**

The program has developed a highly effective process, the “Assessment Fair,” for evaluating student outcomes and for feeding those results back to improve the curriculum and teaching. Student teams from the culminating design class provide written reports and make oral presentation to the assessors, followed by interviews of the teams. Six “levels of learning” are defined and evaluated.

**Concerns/Recommendations:**

While this program currently maintains sufficient laboratory space and classrooms required for teaching, the accreditors observed that the laboratories are crowded and are rapidly approaching over-scheduling. Planned and expected growth may exceed the capacity of the laboratories and may make it impossible to schedule classrooms for required courses, thus jeopardizing future compliance.

The accreditors observed that the laboratory experience of the students in the High Speed Aerodynamics course would be greatly improved through acquisition of a supersonic wind tunnel.

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on
the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentrations in aeronautics and astronautics displayed in parentheses on student transcripts.

D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

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<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
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<tr>
<td></td>
<td>Undergraduate programs online</td>
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### Aerospace Engineering
School for Engineering of Matter, Transport, and Energy
Ira A Fulton Schools of Engineering

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<tr>
<td>Tenured/Tenure-track FTE</td>
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<tr>
<td><strong>Staff FTE</strong></td>
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</table>
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A. Scope of the Program Review

BSE in Biomedical Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The program prepares its undergraduates for careers in the medical device, biotechnology, and pharmaceutical industries and further study in graduate, medical, or other health professional schools.

C. Outcomes of the Most Recent APR

Strengths:

The unique “design spline” curriculum that exposes freshman and sophomore students to the medical device product development process in addition to providing them with experience developing FDA-type specifications and documentation for regulatory submissions gives them a decided advantage when seeking employment in the medical device industry.

The two-semester culminating design course produces projects of exceptional quality that mirror the needs assessment, specification creation, concept & design development, prototyping, and documentation used at medical device Fortune 500 companies. The design studio is impressive and instructional staff members are remarkable, which all contribute to ensured students success.

Concerns/Recommendations:

N/A

D. Quality Improvements Planned

All concerns are currently being addressed.

E. Low Productive Degree Programs (If applicable)

N/A
### F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
</tr>
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<tr>
<td>Differential Tuition</td>
<td>Undergraduate programs online</td>
<td>$133/credit hour</td>
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</table>
## Bioengineering
School of Biological and Health Systems Engineering
Ira A Fulton Schools of Engineering

### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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</table>
2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review     Chemical Engineering
                    School for Engineering of Matter, Transport, and Energy

College/School     Ira A Fulton Schools of Engineering

University         Arizona State University

A. Scope of the Program Review

BSE in Chemical Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The program has undergone dramatic growth since the last accreditation review.

C. Outcomes of the Most Recent APR

Strengths:

The program has a strong record in research productivity that has a very positive influence on the undergraduate program. This enhanced learning environment for students has resulted in several national awards for undergraduates including NSF Graduate Research Fellowships and Goldwater Fellowships over the past few years. An accelerated graduate program (termed 4 + 1) has also been clearly beneficial for students, allowing them to complete their BSE and MSE degree requirements.

Concerns/Recommendations:

The engineering accreditation criteria define student outcomes as statements describing what students are expected to know and be able to do by the time of graduation. The Chemical Engineering program added a student outcome by incorporating the curriculum portion of the chemical engineering program criteria in its entirety. The degree to which this outcome is consistent with the engineering accreditation criteria definition is somewhat ambiguous. The program should frame its student outcomes as statement describing what students are expected to know and be able to do by the time of graduation.

The chemical engineering program criteria state that the curriculum must include the engineering application of the basic sciences to the design, analysis, and control of chemical, physical, and/or biological processes, including the hazards associated with these processes. The program has recognized the need to address process safety hazards, but the current curricular coverage is not documented in catalog descriptions and course syllabi, and coverage has been somewhat inconsistent depending on faculty course assignments. As a result, the curricular requirement to include the process safety hazards is currently satisfied, but the potential exists that future compliance with the program curriculum criterion may be jeopardized.
D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
</tr>
</thead>
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<td>Differential Tuition</td>
<td>Undergraduate programs online</td>
<td>$133/credit hour</td>
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## Chemical Engineering
School for Engineering of Matter, Transport, and Energy
Ira A Fulton Schools of Engineering

### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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<td>106</td>
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### State Funds Personnel (Fall Census)

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<tr>
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2015-16 Accreditation Review Report  
Part I: Narrative

Unit for Review  Civil Engineering  
School of Sustainable Engineering and the Built Environment

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BSE in Civil Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The program has three options: Civil Engineering with no further concentration; Civil Engineering with a concentration in Environmental Engineering; and Civil Engineering with a concentration in Sustainable Engineering.

C. Outcomes of the Most Recent APR

Strengths:

The program has forward thinking faculty who are committed to developing a high-quality undergraduate program. The civil engineering program with a concentration in sustainable engineering appears to be unique, and the faculty should be commended.

Concerns/Recommendations:

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentrations in environmental engineering and sustainable engineering displayed in parentheses on student transcripts.

D. Quality Improvements Planned

All concerns are currently being addressed.
E. **Low Productive Degree Programs (If applicable)**

   N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
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</thead>
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<td>Differential Tuition</td>
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### Civil, Environmental, & Sustainable Engr
School of Sustainable Engineering and the Built Environment
Ira A Fulton Schools of Engineering

#### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

#### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Computer Science Program
                School of Computing, Informatics, and Decision Systems Engineering

College/School  Ira A Fulton Schools of Engineering

University      Arizona State University

A. Scope of the Program Review

The Computer Science Program is administered by the School of Computing, Informatics, and Decision Systems Engineering within the Ira A Fulton Schools of Engineering. There is a total student population of 2,140 which includes 1,387 undergraduate students for the 2014-15 academic year. A faculty of 63 (52 full-time, 11 part-time) administers both the computer science and computer systems engineering programs. Both programs combined have approximately 3,000 students which includes approximately 2,100 undergraduate students.

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

Criterion 4, Continuous Improvement – The revised assessment process should be monitored for consistent and continued application. This shortcoming has been resolved.

Criterion 9, Program Criteria – The Calculus and Discrete Mathematics courses should be monitored to determine that course delivery appropriately supports the computer science program. This shortcoming has been resolved.

C. Outcomes of the Most Recent APR

Strengths: N/A

Concerns/Recommendations:

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentration name resembled or was the same as another program name (e.g. Software Engineering), transcripts could be interpreted to imply that the program was accredited against program criteria that it had not be evaluated against or
by a commission that had not conducted a review of that program. Strength of compliance is lacking with these portions of the APPM.

D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
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<td>Differential Tuition</td>
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### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Computer Systems Engineering
School of Computing, Informatics, and Decision Systems Engineering

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BSE in Computer Systems Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The program offers a concentration in Information Assurance

C. Outcomes of the Most Recent APR

Strengths:

This program is one of six undergraduate degree programs offered by this School. The program lists industry, alumni, students, and faculty as its constituencies and defines a process for the period review in compliance with Criterion 2, Program Educational Objectives. Furthermore, evidence is provided that each constituency has been involved in the review process. However, the latest alumni survey referred to outdated program educational objectives. If the questions are not changed to reflect the correct program educational objectives, there is the potential that future compliance with this criterion could be jeopardized.

Concerns/Recommendations:

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentration in Information Assurance displayed in parentheses on student transcripts.

Criterion 3, Student Outcomes, requires the program to have at least outcomes (a) through (k) as defined by ABET. Student outcome (c) specifies an ability to design a system, component, or process to meet desired needs within realistic constraints such as
economic, environmental, social, political, ethical, health and safety, manufacturability, and sustainability. Student outcome (j) requires knowledge of contemporary issues. The program lists these two student outcomes; however, for student outcome (c) it fails to mention the range of constraints and for student outcome (j) it limits the knowledge to issues in computing and engineering. However, a review of assessment and evaluation data demonstrated no significant departure from the intent of the required outcomes.

Criterion 4, Continuous Improvement requires the program to regularly use appropriate, documented processes for assessing and evaluating the extent to which the student outcomes are attained. For student outcome (c) this includes the assessment of the students’ ability to design a system within a range of realistic constraints. The current assessment process evaluates the students’ ability to design a system but it does not explicitly consider the extent to which students consider realistic constraints. This lack of specificity raises the concern that outcome (c) may not be fully assessed in the future and compliance with this criterion could be jeopardized.

D. Quality Improvements Planned

All concerns are currently being addressed.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
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<td>Undergraduate programs online</td>
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## Section II: Data Summary

### Computer Systems
4 of computing, Informatics, and Decision Systems Engineering
Ira A Fulton Schools of Engineering

### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report  
Part I: Narrative

Unit for Review  Construction Engineering  
School of Sustainable Engineering and the Built Environment

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BSE in Construction Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

This is a new program administered by the School of Sustainable Engineering and 
the Built Environment. The School offers three closely related undergraduate 
programs in Civil Engineering, Construction Engineering, and Construction 
Management.

C. Outcomes of the Most Recent APR

Strengths:

This program has very strong ties to industry and those ties have produced endowed 
lectureships. These lectureships allow the program to hire full time teaching faculty 
who have extensive industry experience. The students directly benefit from exposure 
to highly experienced industry professionals, resulting in highly sought after 
graduates who are exceptionally well prepared to start their professional careers.

Concerns/Recommendations:

N/A

D. Quality Improvements Planned

N/A

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

Differential Tuition  Undergraduate Programs on-campus  $400/semester
Differential Tuition  Undergraduate programs online  $133/credit hour
### Construction Management
School of Sustainable Engineering and the Built Environment
Ira A. Fulton Schools of Engineering

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* FTE may not total exactly due to rounding

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<td>Graduate Assistant FTE</td>
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</table>
A. Scope of the Program Review

BSE in Electrical Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10
The undergraduate program provides background in all the traditional areas of electrical engineering and emphasizes six specific areas: Systems (communications, signal processing, and controls); electronic circuits; electromagnetics; solid state electronics; power and energy systems; and computer engineering.

C. Outcomes of the Most Recent APR

Strengths:
The program utilizes a very innovative assessment and evaluation process that provides thorough and unique insight into the achievement of program outcomes.

Concerns/Recommendations:
A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentrations in electric power and energy systems displayed in parentheses on student transcripts.

D. Quality Improvements Planned

All concerns are currently being addressed.
E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

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<tr>
<th>Differential Tuition</th>
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## Electrical Engineering
School of Electrical, Computer, and Energy Engineering
Ira A Fulton Schools of Engineering

### Full-Time Equivalent (Fall Adjusted)

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<td>1,529</td>
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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review       Engineering Management
                     School of Computing, Informatics, and Decision Systems Engineering
College/School       Ira A Fulton Schools of Engineering
University           Arizona State University

A. Scope of the Program Review
   BSE in Engineering Management

B. Quality Improvements Since Previous APR
   Year of previous review: 2009-10
   This program is offered in traditional as well as online mode.

C. Outcomes of the Most Recent APR
   Strengths:
   The program has implemented an industrial focus area option for students. This flexible
   aspect was highlighted by the current students as a major reason why they chose
   engineering management.

   The faculty members are well-qualified to deliver the program, but the identity of the
   program could be further strengthened with the addition of faculty members having
   backgrounds focused more specifically on engineering management than on industrial
   engineering.

   Concerns/Recommendations:
   A distinct identity for the program could be enhanced by participation of students and
   faculty in engineering management professional societies, the establishment of a student
   chapter in an engineering management professional society, and the promotion of
   professional licensing.

D. Quality Improvements Planned
   All concerns are currently being addressed.

E. Low Productive Degree Programs (If applicable)
   N/A
### F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differential Tuition</td>
<td>Undergraduate programs online</td>
<td>$133/credit hour</td>
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</table>
## Engineering Programs
**Polytechnic School**
**Ira A Fulton Schools of Engineering**

### Full-Time Equivalent (Fall Adjusted)

<table>
<thead>
<tr>
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<tbody>
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<td>Undergraduate</td>
<td>147</td>
<td>207</td>
<td>386</td>
<td>483</td>
<td>526</td>
<td>691</td>
<td>624</td>
</tr>
<tr>
<td>Graduate</td>
<td>33</td>
<td>36</td>
<td>50</td>
<td>58</td>
<td>42</td>
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<td>72</td>
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<tr>
<td>Total *</td>
<td>180</td>
<td>244</td>
<td>435</td>
<td>541</td>
<td>569</td>
<td>760</td>
<td>696</td>
</tr>
</tbody>
</table>

* FTE may not total exactly due to rounding.

### Student Majors Headcount (Fall)

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>306</td>
<td>424</td>
<td>538</td>
<td>631</td>
<td>1,098</td>
<td>1,094</td>
<td>1,105</td>
</tr>
<tr>
<td>Graduate</td>
<td>44</td>
<td>45</td>
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<td>Masters</td>
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<td>40</td>
<td>39</td>
<td>59</td>
<td>64</td>
<td>66</td>
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<tr>
<td>Total Degree Seeking</td>
<td>350</td>
<td>469</td>
<td>578</td>
<td>670</td>
<td>1,157</td>
<td>1,158</td>
<td>1,171</td>
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### Degrees

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<tr>
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<tbody>
<tr>
<td>Baccalaureate</td>
<td>39</td>
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<td>62</td>
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<td>180</td>
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<tr>
<td>Graduate</td>
<td>8</td>
<td>15</td>
<td>21</td>
<td>15</td>
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<tr>
<td>Masters</td>
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<td>15</td>
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<td>15</td>
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<td>-</td>
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<td>71</td>
<td>83</td>
<td>100</td>
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### State Funds Personnel (Fall Census)

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<tr>
<td>Faculty FTE</td>
<td>18.9</td>
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<td>29.0</td>
<td>46.5</td>
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<td>Tenured/Tenure-track FTE</td>
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<tr>
<td>Lecturers and Instructors FTE</td>
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Unit for Review  Engineering Program
Polytechnic School

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. **Scope of the Program Review**

BSE in Engineering

B. **Quality Improvements Since Previous APR**

Year of previous review: 2009-10

The Engineering BSE program is a new program administered by the Polytechnic School. Since the last ABET accreditation visit in fall 2009, the program has seen significant changes in the core curriculum, and growth in the size of the enrollment, the size of the faculty, and the administration. The program has five concentration areas: automotive systems, electrical systems, humanitarian engineering, mechanical engineering systems, and robotics.

C. **Outcomes of the Most Recent APR**

**Strengths:**

Many of the courses are delivered using innovative teaching approaches such as project-based, hands-on learning. Teamwork and strong design components are included in all four years.

The senior design experience is a two-semester culminating course that draws on significant resources from industry, as well as employing additional faculty mentoring and advising alongside the course instructor. This senior design experience has been recognized by the National Academy of Engineering for its outstanding use of e-Projects.

The curriculum allows for significant flexibility and efficiency, with its five different concentration areas under a single degree program. The diversity of engineering backgrounds within the program faculty contributes to this flexibility, and adds to the educational experiences of the students in the program. The humanitarian engineering concentration is one of the first of its kind in the nation.

**Concerns/Recommendations:**

Criterion 2, Program Educational Objectives, requires that a program have published program educational objectives that are consistent with the mission of the institution, the needs of the program’s various constituencies and the engineering accreditation
criteria. They are broad statements that describe what graduates are expected to attain within a few years of graduation. The published program educational objectives are based on elements that are more consistent with descriptions of skills and attributes of the students at the time of graduation and do not fully address what the program expects its students to attain within a few years of graduation.

Criterion 4, Continuous Improvement, requires the program to regularly use appropriate, documented processes for assessing and evaluating the extent to which student outcomes are being attained. It further requires that the results of these evaluations be used as input for the continuous improvement of the program. Assessments have been developed and action items from these recent reviews are being implemented in the fall 2015, and as such, have not been fully implemented.

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentrations in automotive systems, electrical systems, humanitarian engineering, mechanical engineering systems, and robotics, displayed in parentheses on student transcripts.

D. Quality Improvements Planned

All concerns are currently being addressed.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

<table>
<thead>
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<th>Differential Tuition</th>
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**Ira A Fulton Schools of Engineering**

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<tr>
<td>Tenured/Tenure-track FTE</td>
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<td>32</td>
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<td>-</td>
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<tr>
<td>Lecturers and Instructors FTE</td>
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<td>0</td>
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<tr>
<td><strong>Staff FTE</strong></td>
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<td>7.6</td>
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</tr>
<tr>
<td>Graduate Assistant FTE</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.5</td>
<td>-</td>
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</table>
2015-16 Non-Academic Accreditation Report
Part I: Narrative

Unit for Review  Graphic Information Technology
               Polytechnic School

College/School  Ira A. Fulton Schools of Engineering

University      Arizona State University

A. Scope of the Program Review

Graphic Information Technology Program, Polytechnic School

B. Quality Improvements Since Previous APR

Year of previous review: N/A

C. Outcomes of the Most Recent APR

Strengths:

The missions across Arizona State University, the Ira A. Fulton Schools of Engineering and the Graphic Information Technology Program align adequately and promote a synergistic relationship. Administrative understanding and support for the mission of the program was apparent through a variety of interviews.

The faculty have appropriate degrees for their positions and also have significant and impressive industry work experience. They show great enthusiasm and competence, as well as a synergistic and collaborative working relationship.

Short and long range goals and objectives for the program are evident within a strategic plan developed specifically for the Graphic Information Technology Program. Much of the program is taught both in classrooms and online. The online programs are well developed and the instruction appeared to be strong based on a review of documentation and demonstrations.

An internship program is in place and provides a robust experience that is made available to a large number of students through the Print and Imaging Lab at ASU, a full print production facility.

Concerns/Recommendations:

Reviewers were concerned that the majority of the faculty members for the program are not tenure-track. There is a concern that the program will not be as impactful to the greater industry or profession over an extended period of time as compared to what might exist had there been more tenure-track faculty.
The majority of the faculty within the program have the Graphic Information Technology degree from ASU. Reviewers felt that this may constrain the program from developing toward a broader context due to faculty having similar experiences and backgrounds. Similar programs at peer institutions have global outreach initiatives due largely to faculty from wide ranging program degrees, as well as ethnic and cultural backgrounds.

D. Quality Improvements Planned

While there is a system of learning outcomes assessment in place, the existing assessed activities will be expanded to include learning outcomes including direct measures, such as graduating seniors, alumni, and employers.

Reviewers also recommended that it would be beneficial to document budgetary information over time to show the financial support provided to the program.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

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### Graphic Information Technology
Ira A Fulton Schools of Engineering, Polytechnic School

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* FTE may not total exactly due to rounding

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Industrial Engineering
School of Computing, Informatics, and Decision Systems Engineering

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BSE in Industrial Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

There are 14 tenured and tenure-track faculty members, three lecturers, and one adjunct professor who have the responsibility for both the Industrial Engineering and the Engineering Management programs. Teaching is approximately equally divided between both programs with several courses taken by students in both programs.

C. Outcomes of the Most Recent APR

Strengths:

Students and faculty members are actively engaged in the educational process. A student advisory board brings curriculum issues to the faculty. The student advisory board's input was a valuable component in a recent major curriculum change

Concerns/Recommendations:

Criterion 5, Curriculum, requires that students be prepared for engineering practice through a curriculum culminating in a major design experience based on the knowledge and skills acquired in earlier course work and incorporating appropriate engineering standards and multiple realistic constraints.

Review of the senior design projects found that engineering standards were directly or indirectly addressed in less than half of the reports examined. Course syllabi did not list engineering standards as a component of the design projects. This lack of consistent incorporation of appropriate engineering standards in the major design experience results in a lack of strength of compliance with this criterion.

D. Quality Improvements Planned

All concerns are currently being addressed.
E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
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<tr>
<td>Differential Tuition</td>
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<td>$133/credit hour</td>
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### Industrial, Systems, & Operations Engr
I of Computing, Informatics, and Decision Systems Engineering
Ira A Fulton Schools of Engineering

#### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding

#### Student Majors Headcount (Fall)

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#### Degrees

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#### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report  
Part I: Narrative

Unit for Review  Manufacturing Engineering  
The Polytechnic School

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BS in Manufacturing Engineering

B. Quality Improvements Since Previous APR

Year of previous review: New

The Manufacturing Engineering program is a new program administered by The Polytechnic School. The program admitted its first students in 2013 and produced four graduates in May 2015.

C. Outcomes of the Most Recent APR

Strengths:

Faculty members have strong ties to local industry. These ties have led to industry-sponsored student projects and capstone designs which allow the students to have the opportunity to interact with practicing engineers, thus enhancing their undergraduate experience and providing insight into the engineering profession.

Students are required to participate in an internship. This real-life experience serves to enhance the students' learning and provide context for their studies.

Concerns/Recommendations:

Criterion 5, Curriculum, states that the professional component must include one year of a combination of college level mathematics and basic sciences (some with experimental experience) appropriate to the discipline. Basic sciences are defined as biological, chemical, and physical sciences. One year is the lesser of 32 semester hours (or equivalent) or one-fourth of the total credits required for graduation. The manufacturing engineering program requires 120 credits for graduation. Thirty credits of college level mathematics and basic sciences are thus required for the program to be in compliance with this criterion. Three classes, EGR 480, Materials Science in Manufacturing, are counted as basic math and science by the program but lack sufficient content in college level mathematics and basic science. Without counting credits from these courses as mathematics and basic science, the program does not meet the requirement for this component.
Criterion 4, Continuous Improvement, requires the program to regularly use appropriate, documented processes for assessing and evaluating the extent to which the student outcomes are being attained. For student outcome (f) which includes an understanding of professional and ethical responsibility, and (h) which includes the broad education necessary to understand the impact of engineering solutions, the processes to assess the attainment of these outcomes are not completely effective in producing reliable information. Improvements to these processes are needed to ensure continued compliance with this criterion.

D. Quality Improvements Planned

All concerns are currently being addressed.

E. Low Productive Degree Programs (If applicable)

N/A

F. Program Fee Information

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
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Engineering Programs
Polytechnic School
Ira A Fulton Schools of Engineering

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* FTE may not total exactly due to rounding

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2015-16 Accreditation Review Report  
Part I: Narrative

Unit for Review  Materials Science and Engineering  
School of Engineering of Matter, Transport, and Energy

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BSE in Materials Science and Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

Approximately 60 percent of the undergraduate students enroll in a four-plus-one program that culminates with award of both a BSE and MS degree.

C. Outcomes of the Most Recent APR

Strengths:

The program uses an exceptionally broad range of materials characterization equipment in structured undergraduate laboratory courses. The equipment used in the program includes very sophisticated characterization tools typically available only in a graduate research environment. Hands-on use of this equipment provides students with an uncommon learning experience that will give them remarkable skills at the start of their careers in materials science and engineering.

The program uses a multi-tiered approach to enhancing undergraduate learning effectiveness and program improvement. The program’s use of end of semester student course review sessions and real-time class feedback tools to course instructors have led to demonstrable improvements to the curriculum, course content, and instructional effectiveness. This dedication to improving the undergraduate educational experience is noteworthy and will result in more graduates that are exceptionally well prepared to embark on their careers.

Concerns/Recommendations:

Criterion 2, Program Educational Objectives, requires that a program have published program educational objectives that are consistent with the mission of the institution, the needs of the program’s various constituencies, and the engineering accreditation criteria. The engineering accreditation criteria define program educational objectives as broad statements that describe what graduates are expected to attain within a few years of graduation. The published program educational objectives are based on elements that are more consistent with descriptions of skills and attributes of the
students at the time of graduation and do not fully address what the program expects its students to attain within a few years of graduation. For this reason, strength of compliance with this criterion is lacking.

D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
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<td>Differential Tuition</td>
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### Full-Time Equivalent (Fall Adjusted)

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* FTE may not total exactly due to rounding.

### Student Majors Headcount (Fall)

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2015-16 Accreditation Review Report  
Part I: Narrative

Unit for Review  Mechanical Engineering   
School for Engineering of Matter, Transport, and Energy

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A.  Scope of the Program Review

BSE in Mechanical Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

The faculty members for this program are shared between the Mechanical Engineering program and the Aerospace Engineering program. The program offers concentrations in computational mechanics and energy and the environment.

C. Outcomes of the Most Recent APR

Strengths:

The mechanical engineering program provides an excellent array of culminating design projects and opportunities in combination with program assessment fairs that are of practical relevance and importance to the undergraduate students.

Concerns/Recommendations:

Criterion 7, Facilities, requires that laboratories and associated equipment be adequate to support attainment of the student outcomes. With the high student enrollment in the program, six or more students work together in a given lab experiment, and are limited by the fact that there is only one piece of equipment available for several of the labs. Although the program provides extended hours for lab sessions to compensate for the lack of duplicate equipment and tools, strength of compliance with this criterion is lacking.

A review of transcripts from programs offering concentrations within their curriculum identified the practice of parenthetically including the concentration name the graduate completed as part of the program name on the transcripts. ABET requires that institutions must avoid any implication that a program is accredited under criteria against which it has not been evaluated, this inclusion on the transcript creates inconsistencies in how the program is represented to ABET, the public, and entities receiving transcripts. ABET requires the program name to be shown consistently on the transcripts of its graduates, in the institution’s electronic and print publications, and on the ABET Request for Evaluation (RFE). Compliance with the Accreditation Policy and Procedure Manual (APPM) is currently lacking due to the concentrations in energy and the environment and
computational and mathematical mechanics displayed in parentheses on student transcripts.

D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

<table>
<thead>
<tr>
<th>Differential Tuition</th>
<th>Undergraduate Programs on-campus</th>
<th>$400/semester</th>
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<td>Differential Tuition</td>
<td>Undergraduate programs online</td>
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* FTE may not total exactly due to rounding

### Student Majors Headcount (Fall)

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### Degrees

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### State Funds Personnel (Fall Census)

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2015-16 Accreditation Review Report
Part I: Narrative

Unit for Review  Software Engineering
School of Computing, Informatics, and Decision Systems Engineering

College/School  Ira A Fulton Schools of Engineering

University  Arizona State University

A. Scope of the Program Review

BS in Software Engineering

B. Quality Improvements Since Previous APR

Year of previous review: 2009-10

This is a new program administered by the School of Computing, Informatics, and Decision Systems Engineering. The program is offered in both face-to-face and online modes.

C. Outcomes of the Most Recent APR

Strengths: N/A

Concerns/Recommendations:

Criterion 5, Curriculum, requires that a program prepare students for engineering practice through a curriculum culminating in a major design experience based on the knowledge and skills acquired in earlier course work and incorporating appropriate engineering standards and multiple realistic constraints. The program was only able to provide limited documentation that students incorporated appropriate engineering standards or multiple realistic constraints within the major design experience. Thus, strength of compliance with this criterion is lacking.

Criterion 6, Faculty, requires that there be sufficient faculty to accommodate adequate levels of student-faculty interaction and student advising and counseling. The program is delivered in one of two ways: face-to-face instruction on the Polytechnic campus or through ASU Online. The latter pathway is solely delivered online. The program stipulates that full-time faculty members are responsible for developing the online courses and are expected to offer the course the first time. Future offerings of the courses are intended to be run entirely by teaching assistants (TAs). Faculty members are expected to be available on a very limited basis for the TAs but will not have direct contact with students. There is no evidence that the program provides other mechanisms for faculty interaction with students participating in ASU Online. Therefore, formal student-faculty interaction for students participating in ASU Online is limited to online courses being offered for the first time. Thus, strength of compliance with the criterion requirement for faculty-student interaction, advising and counseling is lacking.
Furthermore, while the program faculty are currently sufficient to administer the program, anticipated significant and continued student growth, combined with the program’s difficulty in attracting qualified faculty, may jeopardize future compliance with this criterion.

D. **Quality Improvements Planned**

All concerns are currently being addressed.

E. **Low Productive Degree Programs (If applicable)**

N/A

F. **Program Fee Information**

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### Software Engineering
School of Computing, Informatics, and Decision Systems Engineering
Ira A Fulton Schools of Engineering

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* FTE may not total exactly due to rounding

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Northern Arizona University
Academic Program Review Reports – (AY2015-2016)

List of Programs Reviewed

College of Arts & Letters
  Comparative Cultural Studies
  Interior Design (CIDA accreditation)

College of Health and Human Services
  Communication Sciences and Disorders (CAA accreditation)
  Occupational Therapy (ACOTE accreditation)

College of Engineering, Forestry and Natural Sciences
  Biological Sciences
  Chemistry and Biochemistry
  Engineering Master’s Degree Programs
  Mathematics and Statistics
  School of Earth Sciences and Environmental Sustainability
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Unit for Review: Biological Sciences
College/School: College of Engineering, Forestry and Natural Sciences
University: Northern Arizona University

A. Scope of the Academic Program Review (APR)

- Biology, BS; Biomedical Science, BS; Exercise Science, BS; Microbiology, BS; Biology, MS; Biology, PhD

B. Quality Improvements Since Previous APR (2008-2009)

- The department has advanced the development of degree maps and assessment plans for their degree programs, refined the mission of degree programs, and identified new learning outcomes.
- Advising capacity was increased; two additional full-time advisors dedicated to students in Biological Sciences were hired.
- The department increased the diversity of the student population, enhanced and expanded the use of online and blended learning, established two residential learning communities, launched new undergraduate certificate programs and increased research significantly.

C. Outcomes of the Most Recent APR

Strengths:
- Undergraduate enrollment nearly doubled since 2009 from 1,600 to 2,600.
- The external reviewers noted that the “students, faculty and staff are fully engaged in providing meaningful learning experiences and quality scholarship,” indicating a strong teaching and learning environment.
- The reviewers noted that the faculty in biological sciences are producing quality scholarship, as evidenced by publications and a proposal success rate of about 57% over that last five years. Research dollar awards increased 14% since the previous APR.
- An exit survey for graduating seniors is used to better inform decisions on curricular design and student services.

Concerns:
- The growth in both majors and non-biology majors who require biology courses places a high demand on the department. The department carries a significantly
higher than average student credit hour load per faculty compared to other departments and to peers.

- Reviewers indicated that although the advising team is dedicated, the number of students per advisor is high.
- Since the last program review, the number of MS students has grown by 20% while the number of PhD students has declined by 36%.
- The quality of teaching and research spaces are mixed, with some challenges in older facilities.

Recommendations:

- The reviewers recommended hiring additional faculty to address the rapid growth in both majors and non-majors taking Biology courses and to grow research.
- Increase advising resources to lower the student to advisor ratio.
- Work with the research centers to ensure high standards of student mentoring in graduate programs.
- Increase and improve recruitment of PhD students.

D. Quality Improvements Planned

- Three new tenure-track and one tenured faculty will join the faculty in FY 2017. NAU plans for 2-3 additional tenure track in hires Biological Sciences in FY 2017. Two new lecturers and a new lab instructor were hired in 2016 and will join the faculty in FY 2017.
- NAU is implementing a centralized advising structure and analytical tools (Civitas) to improve the distribution and effectiveness of advising resources.
- Doctoral student recruiting efforts have increased, including increases in doctoral stipends and a new Presidential Fellowship program. Ph.D. enrollment in Biological Sciences for FY 2017 is currently up 11 students.
- Renovation of the Biological Sciences building is a priority in the draft NAU Capital Development Plan should funding be available.
- Online formats are being developed for three foundational courses to help provide capacity for allied health majors.
- Curriculum maps for the graduate programs will be completed by fall, 2017.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee: N/A

G. Enrollment and Staffing information: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT
Part I: Narrative

Unit for Review: Chemistry and Biochemistry
College/School: College Engineering, Forestry and Natural Sciences
University: Northern Arizona University

A. Scope of the Program Review (APR)

- Chemistry, BS; Chemistry Secondary Education, BSEd; Chemistry, MS

B. Quality Improvements Since Previous APR (2007-2008)

- The department has moved into the new Science and Health Building that provides high-quality, modern teaching laboratories, research facilities, and lecture halls.
- Several strategic tenure-track hires with competitive salaries and start-up packages have been completed, for example in the area of analytical chemistry.
- The undergraduate BS program was streamlined by consolidating nine different degree plans into one plan with five emphases.
- Two lower division laboratory classes were converted to “green chemistry” labs, reducing hazardous waste and eliminating the need for fume hoods.
- The introductory chemistry course sequence has been standardized across multiple sections and now has common learning outcomes and a common final exam.
- The graduate curriculum was streamlined through the reduction of one of three MS emphases and strengthened by decreasing the units of standard coursework and increasing the units of research required.
- Selectivity of Master’s students was improved by adding the GRE as an application requirement and by requiring that students pass two proficiency exams before they begin their third semester.

C. Outcomes of the Most Recent APR

Strengths:
- The department has an impressive safety training program for laboratory teaching assistants. This program would be beneficial to Chemistry departments nationwide.
- The department has successfully adapted to the extensive growth in the student population at NAU.
- The reviewers noted that the department excels in its teaching mission, both in terms of its majors and providing service to students majoring in other disciplines.
The reviewers praised department faculty for actively seeking out new and improved teaching methodologies.

The department has been successful in attracting funding from regional and national sources.

Concerns:
- The department should develop a renewed shared vision, mission, strategy and goals for its future and have a stronger plan to assess departmental progress.
- The teaching assistantship stipend (for MS students) is below national averages for similar programs.
- The department office has 1.5 FTE staff—reviewers indicated that they felt that 2.0 FTE would be more appropriate.

Recommendations:
- Hold a department retreat to discuss and formally document the department mission, vision, short and long term goals, degree program assessment plans, chemical hygiene plan, and additional promotion guidelines (for both tenure track and non-tenure track paths).
- Evaluate the non-ACS curricula to increase the number of chemistry majors.
- Evaluate the ACS curricula to determine if the research requirement can be reinstated.
- Increase the number of graduate students recruited outside of NAU and provide fiscal-year based financial support to encourage research progress in the summers.
- Implement a plan to further increase research productivity.

D. Quality Improvements Planned

- Two strong tenure-track faculty will join the department in FY 2017.
- Complete degree program expectations including curricular maps, assessment, and continuous improvement plans for both BS and MS degrees by fall, 2017.
- Increase recruiting of potential graduate students at regional and national ACS meetings.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee Information: N/A

G. Enrollments and Staffing: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT
Part I: Narrative

Unit for Review: Communication Sciences and Disorders
College/School: College of Health and Human Services
University: Northern Arizona University

A. Scope of the Accreditation Review

- Clinical Speech-Language Pathology, MS: Evaluation for Accreditation by the Council on Academic Accreditation (CAA). The program received full reaccreditation through 2023.

B. Quality Improvements Since Previous Accreditation (2007-2008)

- A new inter-professional education committee was formed in the College and is providing students with an opportunity to participate in a variety of inter-professional activities.
- The program is in the process of implementing CALIPSO software that enables instructors to more closely monitor the clinical competencies of students and to adjust course content accordingly.
- In order to better transition students into the clinical practicum, the program divided the 3-credit clinical methods course into a 2-credit lecture course and a 1-credit “pre-practicum” lab course. The 1-credit lab course introduces students to clinical data gathering.
- The department hired two new, research-oriented faculty members.

C. Outcomes of the Most Recent Accreditation

Strengths:
- Graduates of the program are well-prepared for future endeavors including entry into the workforce and/or doctoral and professional programs.
- The site visitors indicated that the program has a thoughtful long-range strategic plan that is regularly evaluated and appropriately shared.
- The faculty possess the appropriate qualifications and expertise to provide the depth and breadth of instruction for the curriculum and their qualifications are consistent with a high quality clinical program. The presence of several Ph.D. qualified faculty who focus on scholarship and their encouragement of student participation in research was reported as a strength of the program.
• Students reported consistent faculty support and mentorship as well as opportunities to conduct and present research with faculty at local, state and national conferences.
• The institution has a well-structured process for assessing the continuing professional development of faculty.
• Students have unique opportunities to work on local Native American reservations.
• Documentation of student progress was conducted in a timely fashion and provided in sufficient detail so that completion of all academic and clinical requirements can be verified.
• Clinical education includes a variety of clinical settings, age groups, culturally and linguistically diverse populations, and breadth of scope of practice.

Concerns/Recommendations: (the CAA did not provide explicit recommendations)
• Facilities are minimally accessible to clients with physical needs.
• Clinic space improvements are needed to facilitate confidential conversations between practitioners and clients.
• Space improvements are needed to support NIH funded research.
• Students would like to see more preparation in adult diagnostics, adult medical setting assessment and treatment, as well as more experience in augmentative and alternative communication.

D. Quality Improvements Planned

• The College of Health and Human Services is in the process of examining and improving facility and space needs including completing ADA compliant parking and ramps this summer, as well as other changes to ease access to the building. A lactation room and family bathroom were added on the 3rd floor. CHHS is improving space for clinical instruction and research, which was facilitated by the movement of the Health Science program into a new building at NAU.
• The unit will complete the development of an assessment plan by fall 2017.
• The department will consider plans to improve preparation of students in the areas mentioned above.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee Information: $40.00 per credit hour

G. Enrollments and Staffing: See attached table
A. **Scope of the Academic Program Review (APR)**
- Comparative Cultural Studies, BA

B. **Quality Improvements Since Previous APR (2008-2009)**
- Since the last program review, the department re-envisioned its curriculum to stress more collaboration and an increased focus on inter-disciplinarity.
- The Flagstaff Mountain program curriculum was significantly consolidated from five separate degrees into one with initially three emphases (Art History, Humanities, and Religious Studies). In 2013, the Asian Studies emphasis was added as the degree’s fourth emphasis.
- The Online program curriculum was also streamlined into the Interdisciplinary Studies-Humanities 90:30 degree.
- A minor in Museum Studies was created. This minor has been well subscribed and has strong ties to many regional museums and historical societies.
- In 2014 the department collaborated with the Center for International Education and the College of Engineering, Forestry and Natural Sciences to create an Asian Studies emphasis in the Global Science and Engineering Program. This program provides STEM students with an edge at graduation as they seek employment in an increasingly global labor market.
- The popular CINE 101 course was redeveloped in a blended format and has earned First Year Learning Initiative (FYLI) certification.
- CCS engaged with NAU’s diversity initiatives in multiple ways, both through the curriculum as well as through partnerships with tribal governments such as the Havasupai.

C. **Outcomes of the Most Recent APR**

**Strengths:**
- The program clearly identifies program-level learning outcomes.
- CCS faculty have worked to develop a more cohesive program identity by developing three core courses that provide an overview of shared research methods and unifying themes in the humanities.
• Students praised the dedicated faculty and small class sizes. Program alumnae noted the diversity of courses as an important strength of the program.
• Global Engagement is strongly supported by CCS faculty members who have developed short term, faculty-led study abroad programs in France, India, Ireland, and Italy.
• The faculty actively promote student research and this value is reflected in numerous presentations such as at the annual Undergraduate Symposium.
• CCS students are well prepared for advanced work in their disciplines through participation in student research, internships and study abroad programs.
• Faculty go to great lengths to build bridges to the broader Flagstaff community.
• The reviewers commended CCS faculty for the quality and quantity of research and creative activities that have garnered national and international recognition.

Concerns:
• The reviewers expressed concern about turnover of non-tenure track faculty.
• The capstone course is not always relevant to the students’ interests.
• Students felt there could be better support for study abroad and securing internships.
• It is difficult for the program to quantify its effectiveness, given that the skills acquired in Liberal Arts programs tend to be more qualitative in nature. However, the department is working at developing tools that would allow for a more quantitative assessment.

Recommendations:
• Reviewers recommended the addition of more tenure track lines.
• Explore options for the capstone course such as designing it as a research methods course, in which students could write on their choice of theme or topic.

D. Quality Improvements Planned

• The University is undergoing a campus-wide capstone refresh exercise. The CCS capstone courses will be reviewed and updated in conjunction with this effort.
• The department will complete assessment tools for learning outcomes. Additionally, the University is committed to using the ASC&U VALUE rubric to assess the attainment of general education skills. This work should lead to improvement of the assessment of skills in NAU’s Liberal Studies curriculum.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee: NA

G. Enrollment and Staffing: See attached table
Unit for Review: Engineering Graduate Programs
College/School: College of Engineering, Forestry & Natural Sciences
University: Northern Arizona University

A. Scope of the Academic Program Review (APR)

- MS: Civil and Environmental, Electrical, and Mechanical Engineering and Computer Science
- MEng: Civil, Electrical, Environmental, and Mechanical Engineering and Computer Science

B. Quality Improvements Since Previous APR

- This was the first review of the Engineering graduate degree programs. The graduate program was started in 1998 with the MEng (non-thesis) degree plan. The program was expanded in 2007 to include the MS degree.

C. Outcomes of the Most Recent Program Review

Strengths:
- Extremely dedicated faculty, staff, and students.
- Program learning outcomes are clear and assessment metrics are in place.
- Many faculty members have established externally-supported research programs and funding at levels commensurate with those of faculty at major research universities.

Concerns:
- Reviewers felt that rates of faculty and staff turnover were high.
- Reviewers indicated that it would be desirable to have a larger number of graduate courses that are not co-convened with undergraduate courses.
- The reviewers suggested it would be desirable to have more graduate level, discipline-specific, courses to conform to traditional Master’s level engineering curricula across all subject areas.
- Research space and infrastructure should be expanded and improved to support growth in research.
- Reviewers indicated that teaching course loads are high for research active faculty.
Recommendations:
- Replace the foundational courses in Sustainability/Design (EGR 501/502) with graduate level, discipline-specific core courses.
- Narrow the spectrum of courses offered and focus on core graduate courses.
- Reassign support staff to report directly to Chairs/Directors within academic units rather than to the Dean’s Office.
- Expand release time options for faculty who are productive in research.
- Expand dedicated research space, with priority for externally funded faculty, and separate teaching from research space.

D. Quality Improvements Planned

- Major investments were made with the hiring of nine tenured/tenure track faculty in engineering, informatics and computing disciplines who will join the faculty in FY 2017. Approximately ten additional tenured/tenure-track position searches are planned in FY 2017. These new faculty hires are focused on supporting the growth of research and PhD programs, but should also help support the MS programs.
- Staff were reorganized such that each academic unit has a dedicated staff member who reports to the unit Chair or Director.
- This fall, electrical engineering and computer science faculty will move to a newly redesigned building to increase research and office space as part of the creation of the School of Informatics, Computing and Cyber Systems.
- EGR 501 and 502 will be replaced.
- A faculty committee will be formed to revise the MS and MEng curricula, possibly consolidating the MEng degrees into a single degree with emphases.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee Information: N/A

G. Enrollments and Staff: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT

Part I: Narrative

Unit for Review: Interior Design
College/School: School of Art, College of Arts and Letters
University: Northern Arizona University

A. **Scope of the Accreditation Review**

- Interior Design, BS (Flagstaff Mountain and Scottsdale Community campuses)

B. **Quality Improvements Since Previous Accreditation Review**

- This was the first accreditation review by the Council for Interior Design Accreditation (CIDA). The program met the standards set by CIDA.

C. **Outcomes of the Most Recent Accreditation Review**

**Strengths:**
- The program received an unconditional accreditation through 2022.
- The program curriculum is logically designed and achieves its goals.
- Student work demonstrates application of principles of sustainability. In their final projects, students used materials that met LEED requirements.
- The program provides students with an understanding of the parameters of ecological, socio-economic, and cultural contexts of design with exposure to varying group norms and opportunities to develop knowledge of other cultures.
- Design processes for projects clearly articulate how research informs the design phase of a project. Students have opportunities for innovation and creative thinking throughout the program.
- Effective communication was demonstrated orally and in writing with detailed summaries of projects, research findings, and descriptions of how research influenced the design of projects.
- Students demonstrated their ability to read and interpret construction drawings and documents related to distribution systems.
- Awareness of industry specific regulations was demonstrated through an understanding of laws, codes and standards that impact fire and life safety.
Concerns/Recommendations: (CIDA did not provide explicit recommendations)

- Students could have shown a stronger understanding of various types of design practices, elements of project management, project communication, and project delivery methods.
- Students’ demonstrated ability to analyze and communicate theories or concepts of spatial definition and organization could be stronger.
- Students applied appropriate federal and local codes in their work but did not demonstrate a complete understanding of those standards.
- Students demonstrated the ability to synthesize information gathered from the research phase of a project and to articulate it in writing to inform potential solutions, however, there could be stronger evidence of students generating multiple concepts or responses to programmatic requirements.

D. Quality Improvements Planned

- Course learning outcomes and content will be revised to address the concerns in student work identified by the reviewers.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee Information: N/A

G. Enrollment and Staffing: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT

Part I: Narrative

Unit for Review: Department of Mathematics & Statistics
College/School: College Engineering, Forestry and Natural Sciences
University: Northern Arizona University

A. Scope of the Academic Program Review (APR)

- Mathematics, BS; Mathematics, BSEd; Mathematics, MS; Statistics, MS; Mathematics Education, MS

B. Quality Improvements Since Previous APR (2008-2009)

- The Lumberjacks Mathematics Center opened in fall 2012 providing a state of the art facility to offer four freshman-level courses via a combination of face-to-face instructional support and focused computer mathematics software. The 2016 Sophomore Survey showed that there was approximately a 12% increase since the last APR in the number of students who rated their acquisition of skills in analyzing quantitative problems as “very much” or “quite a bit”.
- Overall student credit hour production increased by 59% between 2009 and 2015 with credit hour production per faculty member increasing 25%. Graduate enrollment increased by 100% since the last APR.
- Increased enrollments in summer courses have resulted in a two- to three-fold increase in summer over-attainment, the annual monetary return to the department.
- The department has added a Community College Teaching emphasis to the M.S. Mathematics degree plan.
- In 2015, the department aligned its placement practices with the ABOR High School Graduation Requirement to guarantee all students with four years of high school mathematics placement above the remedial level (MAT100). Students now have their initial placement set at a base level using high school information and they can improve this placement by taking a proctored placement exam.
- Course coordination is much more organized with attention targeted on lower level service courses. These courses have shown a marked improvement in ABC rates as part of the NAU First Year Learning Initiative.

C. Outcomes of the Most Recent APR

Strengths:
• Reviewers indicated that all undergraduate and graduate degree programs are of high quality and "supremely suitable" for their purpose. Curricula are current and conform to national standards. The department was commended for being "way ahead of where most of its counterparts are in terms of developing effective student assessment processes."

• The department has implemented a successful Friday Afternoon Mathematics Undergraduate Seminar (FAMUS) series. This is one example of the focused efforts faculty have made to engage both undergraduate and graduate students in research.

• Challenges in recruiting students into the mathematics secondary teaching major are being addressed by offering a 1-credit course to introduce students to the teaching profession.

• The department faculty are very active in research and scholarship, despite the relatively high teaching load. Reviewers noted that faculty have published in highly ranked national and international journals.

Concerns:
• Rotation of courses in the graduate program limits the options for students.
• Reviewers suggested that having more PhD credentialed faculty would benefit upper level undergraduate courses.
• The integration of the Lumberjack Mathematics Center within the department could be improved.

Recommendations:
• The department should make every effort to hire a woman in a tenured or tenure track position.
• The minor in Actuarial Science should be developing a pipeline for the Statistics MS program; consider offering three or four actuarial examinations to attract more students; consider adding a faculty position to sustain the program.

D. Quality Improvements Planned

• Review and implementation of actuarial science recommendations is planned.
• The department is developing a proposal for a data science bachelor’s degree program.
• The department is developing the use of online proctoring tools to facilitate placement exams and the delivery of online mathematics courses
• Continual improvements in assessment and reduction in DFW rates are two focus areas of the department

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee: N/A

G. Enrollments and Staff: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT

Part I: Narrative

Unit for Review: Occupational Therapy
College/School: College of Health and Human Services
University: Northern Arizona University

A. Scope of the Accreditation Review

- Occupational Therapy, Doctorate

B. Quality Improvements Since Previous Accreditation

- This was the first accreditation review by the Accreditation Council for Occupational Therapy Education (ACOTE). The program successfully demonstrated compliance with ACOTE’s Professional Standards.

C. Outcomes of the Most Recent Accreditation

Strengths:
- The program received unconditional accreditation through 2023.
- NAU administrators were commended for their collective visionary leadership, commitment to initial fiscal support and due diligence in community canvassing to establish the first entry-level doctoral occupational therapy program at a state-funded university in Arizona.
- The founding program director was commended for her leadership, dedication, and resourcefulness in designing and implementing a new occupational therapy program. Especially noteworthy is her ability to develop strategic alliances and integrate into the community.
- The faculty effectively incorporates a variety of active learning strategies in course assignments, related to instilling evidence, occupation-based practice, clinical reasoning, and inter-professional education collaborations. Faculty are adept at utilizing a variety of teaching strategies such as experiential and blended learning and standardized patient simulation to deliver a comprehensive curriculum that optimizes experiences and promotes community involvement.
- The academic fieldwork coordinator is an asset to the program. Through her efforts, the program has developed unique relationships with sites that represent emerging practice areas and serve a diverse population.
- The advisory board members represent a cross section of practice and academic settings. They value the practitioner/student partnership as well as facility/university partnership. Their active engagement, provision of expert advice and fieldwork sites, and willingness to develop opportunities for intra-professional collaborations will ensure this program’s success.
- The students were recognized as excellent representatives of the program and were applauded by reviewers for their commitment to the education process.

Concerns/Recommendations:
- It is suggested that the program explore ways to systematically document faculty-student advising meetings to ensure consistency across advisors and provide a historical record of the student’s tenure in the program.
- The program’s five-year strategic plan demonstrates evidence of timely updating of the specific measurable action steps and long term goals as they are met or as circumstances change. It is suggested that the program establish a standardized method of periodically updating action steps and long-term goals thereby ensuring that progress made towards goals is evident to all stakeholders.
- The program has clearly documented assessment measures by which the students are regularly evaluated on their acquisition of knowledge, skills, attitudes, and competencies required for graduation. It is suggested that the program explore ways to revise skill-based assessment measures as they increase student enrollment from 24 to 45 to ensure that the quality of the curriculum is maintained.
- The program demonstrates that coursework prior to the Level II fieldwork exhibits coverage for the content standards. It is suggested that the program not use Level II fieldwork syllabi to document compliance with the B Standards. This will ensure that students better understand how coursework prior to Level II fieldwork aligns with the content standards.

D. Quality Improvements Planned

- The University is implementing new analytical tools (Civitas) and data management tools (SalesForce), both of which should assist the occupational therapy program with the advising recommendations.
- The program plans to review and respond to the recommendations on strategic planning, skill-based assessment and syllabi listed above.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee: $11,000 per year

G. Enrollment and Staffing: See attached table
2015-16 ACADEMIC PROGRAM REVIEW REPORT

Part I: Narrative

Unit for Review: School of Earth Sciences and Environmental Sustainability
College/School: College of Engineering, Forestry and Natural Sciences
University: Northern Arizona University

A. Scope of the Academic Program Review (APR)
   - Environmental & Sustainability Studies, BA/BS; Environmental Sciences, BS; Geology, BS; Earth Science, BSEd; Geology, MS; Environmental Sciences & Policy, MS; Climate Science & Solutions, MS; Earth Sciences & Environmental Sustainability, PhD

B. Quality Improvements since Previous APR
   - This was the first review since the Center for Sustainable Environments (CSE) and the Geology Department were merged into the School of Earth Sciences and Environmental Sustainability (SESES) in fall, 2009.
   - The Climate Science and Solutions (Professional Science Master's degree) was initiated in fall, 2010.
   - The Earth Sciences and Environmental Sustainability Ph.D. program was initiated in fall, 2012.

C. Outcomes of the Most Recent APR

Strengths:
   - The undergraduate curricula are of high quality, logically constructed and linked to well-conceived learning outcomes. Innovative and current content is infused throughout the academic programs and individual courses.
   - Enrollment and number of degrees awarded have increased significantly in the Environmental Science and Sustainability Studies areas.
   - The general Geology degree program contains a sound traditional scope of learning goals with some added elements of GIS and modern mapping skills. Reviewers felt that the geology across the Colorado Plateau provides unlimited possibilities for students to develop strong backgrounds in sequence stratigraphy and 3-dimensional mapping.
   - The reviewers praised faculty members who have successfully promoted geology to non-majors in creative ways.
   - The Master’s programs in Environmental Science and Policy (ESP) and in Geology are long established programs that positively reflect their unique organizational histories and pedagogy. For example, the ESP program is highly interdisciplinary with participation of faculty from across campus.
The reviewers found the research of the SESES faculty to be impressive. The reviewers noted that the faculty have been successful in securing large, federally funded grants to support and sustain their research.

Concerns:
- There was concern about the organizational structure of SESES and the integration of the Geology and Environmental Science faculty and programs and whether the structure can support the goal of interdisciplinarity.
- SESES space is broken up across campus leading to challenges in administrative functioning and collaboration.
- The review team suggested that SESES Ph.D. program has a critical need for a faculty member in Environmental Policy.
- The review team felt that the Environmental Science and Sustainability curricula are lacking areas of breadth that are commonly found at other institutions.
- Further work needs to be done on curricular assessment and mapping.

Recommendations:
- The review team recommended reviewing and possibly changing the organizational structure.
- NAU should implement a SESES facility planning task force with the goal of consolidating, to the extent practical, SESES administrative functions, faculty offices, labs, and classrooms.
- A foundational undergraduate course, shared by the Environmental and Geology programs, should be considered. This course would explore social, economic and political interactions with Earth processes and the environment.
- SESES should develop a strategic plan to define its mission, vision, goals and strategies for achieving those goals.

D. Quality Improvements Planned
- A search for a tenure track faculty in Environmental Policy is planned for FY 2017.
- The organizational structure of SESES will be examined per the recommendations of the external reviewers.
- SESES plans to develop a strategic plan as well an examination of the allocation of existing space.
- Completing curricular maps and assessment plans for graduate programs will be areas of focus for SESES in FY 2017.

E. Low Productive Degree Programs (If applicable): N/A

F. Program Fee Information: B.S. in Geology program fee is $700/semester for three semesters; M.S. in Climate Science and Solutions program fee is $1,500/semester

G. Enrollment and Staffing: See attached table
Program: Biological Sciences  
College: College of Engineering, Forestry and Natural Sciences

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<thead>
<tr>
<th>Student Majors Headcount (Fall)</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2014-15</th>
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<tr>
<td>Undergraduate</td>
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<td>2552</td>
<td>2727</td>
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<tr>
<td>Graduate</td>
<td>107</td>
<td>100</td>
<td>99</td>
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<tr>
<td>Masters</td>
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<td>65</td>
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<tr>
<td>Doctoral</td>
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<td><strong>Total Degree Seeking</strong></td>
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<td><strong>2652</strong></td>
<td><strong>2826</strong></td>
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<table>
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<th>Degrees Granted</th>
<th>2012-13</th>
<th>2013-14</th>
<th>2014-15</th>
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<tr>
<td>Baccalaureate</td>
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<tr>
<td>Graduate</td>
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<td>Masters</td>
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<td>Doctorates</td>
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<td><strong>Total</strong></td>
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<td>Part-Time faculty</td>
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<td>3.67</td>
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| Staff FTE                              | 15.95   | 14.45   | 13.58   |
| Staff FTE Full-Time                    | 13.00   | 12.00   | 11.00   |
| Staff FTE Part-Time                    | 2.95    | 2.45    | 2.58    |

| Graduate Assistant FTE                 | 35.00   | 39.50   | 39.00   |

| Others (Temp Employee)                 | 0.30    | 0.09    | 0.18    |
Program: Comparative Cultural Studies  
College: College of Arts and Letters

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<th>Student Majors Headcount (Fall)</th>
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<tr>
<td>Graduate</td>
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</tr>
<tr>
<td>Masters</td>
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<tr>
<td>Doctoral</td>
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<tr>
<td><strong>Total Degree Seeking</strong></td>
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<th>2014-15</th>
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<td>Masters</td>
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| Staff FTE                       | 1.00    | 1.00    | 1.00    |
| Staff FTE Full-Time             | 1.00    | 1.00    | 1.00    |
| Staff FTE Part-Time             |         |         |         |

| Graduate Assistant FTE          |         |         |         |

| Others (Temp Employee)          | 0.36    | 0.12    | 0.06    |
Program: Chemistry and Biochemistry  
College: College of Engineering, Forestry and Natural Sciences

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Program: Communication Sciences and Disorders  
College: College of Health and Human Services

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College: College of Engineering, Forestry and Natural Sciences

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<td>Part-Time faculty</td>
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<tr>
<td>Staff FTE Part-Time</td>
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Graduate Assistant FTE

Others (Temp Employee)
Program: Interior Design  
College: College of Arts and Letters

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| Staff FTE                        | 0.71    | 0.62    | 0.67    |
| Staff FTE Full-Time              | 0.71    | 0.62    | 0.67    |
| Staff FTE Part-Time              |

| Graduate Assistant FTE           |

| Others (Temp Employee)           |
Program: Mathematics and Statistics
College: College of Engineering, Forestry and Natural Sciences

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| Staff FTE                        | 2.00    | 3.25    | 4.50    |
| Staff FTE Full-Time              | 2.00    | 2.00    | 4.00    |
| Staff FTE Part-Time              | 1.25    | 0.50    |

| Graduate Assistant FTE           | 11.00   | 15.00   | 18.50   |

| Others (Temp Employee)           | 0.06    | 0.03    | 0.03    |
**Program: Occupational Therapy**  
**College: College of Health and Human Services**

### Student Majors Headcount (Fall)

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### Degrees Granted

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<td>Masters</td>
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### State Funds Personnel (IPEDS-HR)

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| **Staff FTE**       | 0       | 1.00    | 2.00    |
| Staff FTE Full-Time |         | 1.00    | 2.00    |
| Staff FTE Part-Time |         |         |         |

### Graduate Assistant FTE

|                     |         |         |         |
| Others (Temp Employee) |         |         | 0.18    |
Program: SESES  
College: College of Engineering, Forestry and Natural Sciences

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<th>2014-15</th>
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<td>Lecturers and Instructors FTE</td>
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<td>College of Agriculture and Life Sciences/ College of Engineering</td>
<td>BS, BSBE, MS, PhD</td>
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<td>College of Architecture, Planning and Landscape Architecture</td>
<td>BArch, MArch, MS</td>
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<td>Graduate College</td>
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<td>College of Science</td>
<td>BS, MS, PhD</td>
</tr>
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<td>College of Engineering and Graduate College</td>
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<td>College of Medicine - Tucson</td>
<td>NA</td>
</tr>
<tr>
<td>School of Government and Public Policy</td>
<td>College of Social and Behavioral Sciences</td>
<td>BA, BS, MA, MPA, MPP, PhD</td>
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<td>Department of Radiation Oncology</td>
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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review:  Department of Agricultural and Biosystems Engineering (ABE)
College/School:  College of Agriculture and Life Sciences (CALS) and College of Engineering (COE)
University:  The University of Arizona

1. Scope of the Program Review

* Agricultural and Biosystems Engineering:
  - Master of Science
  - Doctor of Philosophy

* Agricultural Systems Management (transferred to Agricultural Education in 2009):
  - Bachelor of Science

* Biosystems Engineering (formerly Agricultural and Biosystems Engineering):
  - Bachelor of Science in Biosystems Engineering

2. Quality Improvements Since Previous APR: 2008-2009

- The BSBE Program, developed in 2009 and jointly administered by CALS and COE, was first accredited by ABET in 2010.
- ABE’s Controlled Environment Agriculture Center has successfully pursued extramural funding opportunities and has developed close collaborations among faculty in the areas of bio-energy, water resources, and biosensors.
- The *US News and World Report* (2014) rankings for biological/agricultural undergraduate programs placed the Department at #19 out of 40 nationally.
- Sufficient online courses have been developed for undergraduates to complete an online Biosystems Engineering Minor.
- An Accelerated Master’s Program was recently developed for qualified students to complete the BSBE and MS-ABE in 5 years.

3. Outcomes of the Most Recent APR

* Strengths:
  - The faculty’s research focuses on 4 areas: (1) food, bioproducts, and renewable energy; (2) water resources; (3) biometry and biosystems informatics; and (4) controlled environment agriculture.
  - ABE’s extension division offers educational programs to the agricultural industry, K-12 students, and urban gardeners. Grant-funded programs include short courses, demonstration projects, and workshops in such areas as irrigation, precision agriculture, and controlled environment agriculture.
  - ABE has several well-equipped research laboratories: Bioprocess Engineering Lab, Biosystems Engineering Lab, Biosensors Lab, and Biological Big Data Lab.
  - BSBE students have hands-on learning opportunities in internships with industry partners or in faculty labs. The capstone design course also provides real-world design/construction experience.
  - The Industrial Advisory Council, comprised of industry representatives, faculty, and students, meets annually to review program objectives and make suggestions on developments in the field that impact the curriculum.

* Concerns/Recommendations:
- Without a clear identity/vision, the Department’s activities appear unfocused and dated. The faculty should identify and prioritize the areas where it can excel, in order to produce a focused action plan for moving forward. Its new emphasis on systems, informatics, and analytics might be an integrator for ABE’s competencies.

- To sharpen its image for students, potential industry partners and donors, the Department should develop succinct and powerful communications aligned with the strategic plans of CALS and COE to promote its instruction, research, and extension activities and impact. This includes updating the ABE website.

- The Department lacks a plan to garner resources from its alumni and community supporters. To increase gifts/donations, ABE should actively pursue development and advancement efforts.

- The Department doesn’t coordinate its senior projects with the COE, so BSBE students miss opportunities to work with and learn from other engineering majors. ABE should explore ways to correct this, along with a new administrative model that will enable it to be a full participant in both COE and CALS.

- ABE’s instructional goal would be improved by increasing the number of undergraduate and graduate students. To increase enrollment, the Department should develop joint recruitment activities with other COE/CALS units, identify community college pathways, and create non-engineering degree options for students interested in systems, not engineering.

4. Quality Improvements Planned
- The department will develop a strategic plan that includes the future of the academic programs and faculty positions. Following discussion and approval from the CALS and COE deans, the plan will be submitted to the Provost by Oct. 1, 2016.

- The department is working with the Office of Instruction and Assessment on to improve the assessment of student learning outcomes in Graduate Programs and will report the outcomes on the UA Assessment website.

5. Program Fees
- COE undergraduate lower division tuition differential - $450/semester for 12+ units
- COE undergraduate upper division tuition differential - $900/semester for 12+ units

6. Low Productive Degree Programs – NA

7. High Level Information
- Enrollments by Program Level
  - Bachelor of Science in Biosystems Engineering: 45
  - Master of Science in Agricultural & Biosystems Engineering: 9
  - Doctor of Philosophy in Agricultural & Biosystems Engineering: 11
- Graduation
  - Bachelor of Science in Biosystems Engineering: 15
  - Master of Science in Agricultural & Biosystems Engineering: 5
  - Doctor of Philosophy in Agricultural & Biosystems Engineering: 3
- State Funded Personnel by FTE
  - Faculty: 9.73
  - Staff: 7.52
  - Grad Assistants: .28
### DEPARTMENT OF AGRICULTURAL AND BIOSYSTEMS ENGINEERING

#### COLLEGE OF AGRICULTURE AND LIFE SCIENCES (GRADUATE PROGRAM) / COLLEGE OF ENGINEERING (UNDERGRADUATE PROGRAM)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: School of Architecture (ARC)
College/School: College of Architecture, Planning & Landscape Architecture (CAPLA)
University: The University of Arizona

1. Scope of the Program Review

   Architecture:
   - Bachelor of Architecture
   - Master of Architecture
   - Master of Science

2. Quality Improvements Since Previous APR: 2012-2013

   - The MArch was first accredited by the National Architectural Accrediting Board (NAAB) in 2013 for 3 years; in 2016 both the MArch and BArch were reaccredited for 8 years.
   - ARC made substantive progress in addressing the shortage of faculty noted by the NAAB in 2010; a new director and sufficient instructors have been hired.
   - A new course has been piloted at a local high school—ARC 100 (3 elective credits). By expanding the pilot to other schools, ARC intends to increase the diversity of its BArch students.
   - The BArch was the first nationally to implement a sustainability protocol across its studio curriculum; this is now being implemented in the MArch. The protocol won the 2015 AZ Forward Environmental Excellence Award for Environmental Education.
   - An Accelerated Masters Program is offered to top BArch students who wish to complete the MS-ARC with an emphasis in Design & Energy Conservation.
   - The MS-ARC, a post-professional applied research program, is adding a third focus area in Emerging Building Technologies to align with the UA’s strategic priorities.

3. Outcomes of the Most Recent APR

   Strengths:
   - The faculty’s research focuses on 5 areas: energy design/conservation, place and well-being, pedagogy of practice education, emerging materials (e.g., sustainable structures for food storage in arid lands), and architecture history/theory.
   - BArch core studios involve students in group/collaborative exercises, including some opportunities for collaboration between the undergraduates and graduate students.
   - Study abroad options are increasing with exchange agreements with a coalition of universities in Mexico and agreements underway with universities in Chile and Italy.
   - In 2014 the BArch assessment plan, which includes a variety of strategies, was cited by the Office of Instruction/Assessment as an Exemplary Assessment Program.
   - ARC contributes courses to the Graduate Certificate in Heritage Conservation that focus on preserving the built environment as part of an ethic of cultural sustainability.
   - As demonstrated in the curriculum, student activities, the faculty’s interdisciplinary partnerships, and engagement with the community, ARC fosters an ethos of social responsibility and civic development (e.g., Sustainable City Project downtown, and Camp Architecture for middle- and high school students).

Concerns/Recommendations:
There is a lack of integration among the MS-ARC tracks and with the professional MArch that could impact its long-term growth. First, to integrate the MS research tracks, the faculty should develop a few core courses to introduce foundational concepts. Second, to strengthen both the MS and MArch, research courses for the MS should be offered as electives for the MArch.

Faculty believes that research initiatives are not adequately supported. A revised strategic plan clarifying the role of research and role of the MS-ARC in realizing the CAPLA vision is planned.

There is tension in the faculty regarding appointment status, voice in governance and direction of ARC programs. More communication and transparency between the faculty and ARC/CAPLA leadership is needed. Open discussion of goals/objectives may also promote collegiality and a sense of shared mission.

The small faculty responsible for the MS-ARC leaves that Program without sufficient members to supervise student research and participate on thesis committees. More TTE members would lead to greater opportunities for research funding that should in turn provide assistantships for more students. CAPLA should consider making joint appointments with allied disciplines and pursuing cluster hires to support the MS.

While the faculty’s gender diversity has improved in the past 10 years, the faculty still lacks ethnic diversity. ARC recognizes the need to recruit underrepresented minority members.

First-year graduate students need more guidance. Faculty and staff should develop a more robust new-student orientation, along with a peer mentoring system. These programs should be accompanied with an updated graduate handbook.

4. **Quality Improvements Planned**

- The new CAPLA dean is working closely with the faculty across all programs. More integration of programs and faculty is taking place along with increased transparency.
- A new lower division ARC course is being offered in high schools with diverse student populations which should increase diversity among the undergraduates.
- ARC is considering hiring multi-year research faculty appointments to improve research opportunities in the MS-ARC program.

5. **Program Fees**

- Pre-Architecture differential tuition - $375 per semester for 12+ units
- Architecture undergraduate advanced standing fee - $750 per semester for 12+ units
- Master of Architecture program fee - $1,500 per semester for 7+ units
- Master of Science in Architecture program fee - $1,500 per semester for 7+ units

6. **Low Productive Degree Programs** – NA

7. **High Level Information**

- **Enrollments by Program Level**
  - BA | Bachelor of Architecture: 221
  - MArch | Master of Architecture: 27
  - MS | Master of Science in Architecture: 19
- **Graduation**
  - BA | Bachelor of Architecture: 39
  - MArch | Master of Architecture: 8
  - MS | Master of Science in Architecture 10
- **State Funded Personnel by FTE**
  - Faculty: 23.4
  - Staff: 5
  - Grad Assistants: .25
### Full-Time Equivalent (Fall)

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### State Funds Personnel (Fall Census)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Arid Lands Resource Sciences (ALRS) Graduate Interdisciplinary Program (GIDP)

College/School: Graduate College

University: The University of Arizona

1. Scope of the Program Review

Arid Lands Resource Sciences:
- Master of Science
- Doctor of Philosophy

2. Quality Improvements Since Previous APR: 2004-2005

- The ALRS faculty has grown to 56 associated members representing 18 academic units in 5 UA colleges.
- ALRS attracts international students who enrich the educational experience of all and enhance the exploration of solutions to problems faced in arid lands worldwide.
- Since 2006 ALRS has been a Western Regional Graduate Program in WICHE, allowing students from western states to benefit from reduced tuition—a good recruitment strategy.
- ALRS organizes a new student orientation each Fall and a field trip each Spring, during which students interact with the faculty members.
- It’s not uncommon for GIDP students to have office space in different buildings. About half of the ALRS students have space in the new ENR2 Building, and the rest have space near their advisors’ laboratories or offices.

3. Outcomes of the Most Recent APR

Strengths:
- The faculty is passionate about the Program. The breadth of expertise, level of engagement, and scholarly productivity of the members are high.
- The faculty’s research focuses on climate change adaptation, crops/agriculture, microbial biosystems, extension/education, plant ecology and ecosystems, remote sensing/geospatial analysis, water resources management and governance.
- Students are trained in two or more of the physical, biological, resource, economic, agricultural and social sciences that relate to the sustainable use/management of arid/semiarid lands. There are few course requirements, and graduate committees can approve courses that satisfy a student’s needs and goals.
- The students are actively engaged in a number of outreach activities both locally and internationally. Activities include: participating in Students Across Borders, working with teachers to develop environmental science teaching materials, and working to resolve water issues in Native American communities.
- ALRS is governed by a 9-member Executive Committee whose members represent the disciplines foundational to its mission. Its functions include admitting new students, evaluating student progress, reviewing the curriculum, publicizing the Program, and securing/allocating funds.

Concerns/Recommendations:
- While the flexibility of the ALRS is appreciated, variations in the choice of core courses can lead to an inconsistent knowledge base among students. The ALRS Executive Committee (EC) should...
review and adjust the curriculum to ensure that students are provided with a consistently strong analytical basis to support the interdisciplinary approach of this Program. The development of a new research design course and creation of a seminar series on cutting-edge arid lands research are recommended.

- Students request improvement in the practical aspects of their PhD experience. There is a lack of structure for student academic support and professional development. The GIDP leadership, along with the ALRS-EC, should realign some resources to meet this need.
- The GIDP only has two 0.5 FTE research assistantships under its control. To recruit top PhD applicants, more assistantships are needed. The ALRS-EC should negotiate for assistantships with its member departments.
- Chairing a GIDP requires a significant time commitment with excellent but limited administrative support from a 0.33 FTE program coordinator. Also, it would be helpful for the ALRS-EC to develop a plan for leadership rotation/succession that includes a mentoring period.
- The Program’s low visibility has resulted in a reduced applicant pool. The GIDP leadership and ALRS faculty should continue the dialogue with the OALS on strengthening the brand and visibility of the Program and arid lands research.

4. **Quality Improvements Planned**
   - The Graduate Dean will increase the administrative support to 0.5 FTE and will help market the program more widely.
   - The GIDP will create a Friends of Arid Lands association for alumni and community members that hire graduates of the GIDP; communication via regular eNewsletters will take place.
   - The GIDP Executive Committee will review and revise the curriculum to add a core course on research methods.

5. **Program Fees** - NA

6. **Low Productive Degree Programs** – NA

7. **High Level Information**
   - **Enrollments by Program Level**
     - Baccalaureate – NA
     - Master of Science in Arid Lands Resource Sciences: 0
     - Doctor of Philosophy in Arid Lands Resource Sciences: 20
   - **Graduation**
     - Baccalaureate – NA
     - Master of Science in Arid Lands Resource Sciences: 1
     - Doctor of Philosophy in Arid Lands Resource Sciences: 3
   - **State Funded Personnel by FTE**
     - Faculty – NA
     - Staff – NA
     - Grad Assistants – NA
The University of Arizona  
2015-2016 Academic Program Review  
Part II: Data Summary

### ARID LANDS RESOURCE SCIENCES GRADUATE INTERDISCIPLINARY PROGRAM

#### GRADUATE COLLEGE

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#### State Funds Personnel (Fall Census)

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1. **Scope of the Program Review**

   **Astronomy:**
   - Bachelor of Science
   - Master of Science
   - Doctor of Philosophy

2. **Quality Improvements Since Previous APR: 2008-2009**

   - Through its Center for Astrobiology, the DA/SO has become a leader in the detection/characterization of extrasolar planets and in the study of the planets in our solar system.
   - With recommendations from the 2009 APR and input from faculty and students, both the undergraduate and graduate Astronomy degree programs were revamped.
   - The Center for Astronomy Education has trained the faculty in applying active learning methods and innovative pedagogy in the classroom. The Center also has helped them develop learning outcomes assessment strategies and materials.
   - The faculty has developed two MOOCs—Astronomy: State of the Art, and Astronomy: Exploring Time & Space—to present their research and state-of-the-art instrumentation to learners worldwide.
   - The Teach Astronomy Website, maintained by a research group that includes post-docs and students, offers a set of educational resources to lifelong learners across the country: a multimedia online textbook, astronomical images, and video clips.

3. **Outcomes of the Most Recent APR**

   **Strengths:**
   - The PhD Program remains one of the top-10 space science programs nationally, according to the 2013 *US News & World Report* rankings.
   - The faculty excels in instrumentation and observational astronomy, particularly in the areas of adaptive optics, ground-based astronomical science, space-based research, and radio astronomy.
   - The laboratories, instrumentation and observational facilities are well-equipped for faculty and scientists to pursue cutting-edge research.
   - The DA/SO offers its observing facilities to ASU and NAU through the Time Allocation Committee. Collegiality and cooperation among Arizona astronomers is fostered by the annual Steward Observatory Internal Symposium.
   - DA/SO faculty frequently collaborates on projects with researchers in other COS units, as well as the Colleges of Engineering and Optical Sciences.
   - The DA/SO has ~100 FTE classified staff and ~100 FTE appointed personnel. The average length of service is 11.38 years, but many employees have worked there over 20 years. This reflects the engaging work and collegial environment in the unit.
   - Educational outreach is extensive, including programs such as the public lecture series on astronomical research; *Sky Nights* at the Mt. Lemmon SkyCenter; Astronomy Camps that engage...
teenagers in space observation programs on Kitt Peak, and Mirror Lab Tours to explain construction of the world’s largest telescopes.

Concerns/Recommendations:

- UA reporting software is designed for units of traditional size and scope, but its use creates more work for staff in DA/SO. The Head and COS Dean should work with UA leadership to fix/improve UA computer-based administrative systems to accommodate the wide breadth of research activities within DA/SO.

- Faculty wants to be better informed about DA/SO decisions/happenings and more involved in department governance. To address communication, feedback, and involvement issues, the Head should take steps such as delegating responsibilities to deputies, creating a faculty council, and holding annual faculty planning retreats.

- Researchers are frustrated by reduced access to telescopes and a lack of communication on the allocation of telescope time. Postdocs, whose grants and future careers depend on this access, are especially affected.

- Junior faculty and postdocs have little formal mentoring to assist with their professional development; they could benefit from additional support and increased social events.

- Undergraduate attrition seems high, with only ~10 graduates annually out of an average of 110 majors. The gateway course, ASTR 250, may be “weeding out” more students than necessary. The Undergraduate Committee should continue efforts to ensure consistency in teaching ASTR 250. Additionally, they should consider flexible scheduling for core courses so students can pursue a major without delays imposed by the sequence.

- The lack of students from underrepresented minorities is an issue for DA/SO and nationally.

4. Quality Improvements Planned

- The department head and associate head will review the undergraduate curriculum with regard to teaching quality in ASTR 250 and the sequencing of ASTR 300A & 300B and ASTR 400A & 400B to improve degree progression and graduation.

- Telescope time is expensive and UA has extra costs that have not been charged to ASU and NAU. The Senior Vice President for Research is working to fix this inequality.

- Assessment of undergraduate and graduate student learning outcomes is now progressing with an ASTR faculty group and support from the Office of Instruction and Assessment.

5. Program Fees – NA

6. Low Productive Degree Programs – NA

7. High Level Information

- Enrollments by Program Level
  - Bachelor of Science in Astronomy: 129
  - Master of Science in Astronomy: 2
  - Doctor of Philosophy in Astronomy: 34

- Graduation
  - Bachelor of Science in Astronomy: 10
  - Master of Science in Astronomy: 3
  - Doctor of Philosophy in Astronomy: 5

- State Funded Personnel by FTE
  - Faculty: 30.39
  - Staff: 40.35
  - Grad Assistants: 5.5
## DEPARTMENT OF ASTRONOMY AND STEWART OBSERVATORY
### COLLEGE OF SCIENCE

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Biomedical Engineering Department (BME) and Graduate Interdisciplinary Program (GIDP)
College/School: College of Engineering (COE) and Graduate College (GC)
University: The University of Arizona

1. Scope of the Program Review

   Biomedical Engineering:
   - Bachelor of Science in Biomedical Engineering
   - Master of Science
   - Doctor of Philosophy

2. Quality Improvements Since Previous APR: 2004-2005 for the GIDP; none for BME

   - BME, established by ABOR in 2009 to offer the BSBME, is at the interface between engineering and medicine, so it’s well-aligned with the College of Medicine (COM).
   - The GIDP has grown to 56 elected faculty members from 17 departments representing 5 colleges. All Department members belong to the GIDP.
   - In response to the 2005 GIDP-APR, an Industrial Advisory Board was formed to provide feedback on the graduate programs and to assist with industrial outreach.
   - BME has been expanding its faculty to cover more biomedical subfields. New positions include four 100% hires, four 50% hires, and eight 12.5% hires.
   - An Accelerated Master’s Program has been approved for undergraduates in other COE programs to focus on BME-related topics in their junior/senior years and to earn the MS within a year after completing the BS.
   - Dual MD/PhD degrees were recently formalized to address the need for physician scientists who will be leaders in healthcare and the clinical sciences.

3. Outcomes of the Most Recent APR

   Strengths:
   - BME faculty’s research spans 5 areas: biomedical imaging/instrumentation, cardiovascular engineering, modeling/biocomputing, bioprocesses/tissue modeling, and bio-nanotechnology/microsensors.
   - The Department Head and GIDP Chair work well together and have developed strong connections between the undergraduate and graduate programs.
   - GIDP students are supported by several training grants, such as the Cardiovascular Biomedical Engineering Grant and the Biomedical Imaging and Spectroscopy Grant.
   - BME and GIDP faculties collaborate on research and teaching projects with other COE and medical units, such as the Sarver Heart Center and Cancer Center.
   - Relations among BME faculty, staff, and students are good, and undergraduates speak highly of the quality of teaching and academic advising.
   - Recent developments in the COM (stabilized clinical status; new hospital and biomedical buildings in the planning stage), coupled with support from the COE dean, make this a good time to consider a new organization spanning both colleges.

   Concerns/Recommendations:
   - The current organizational structure has disadvantaged the undergraduate and graduate
programs, as well as the faculty’s research and outreach efforts. The PhD Program should be moved to the Department. A single structure will raise BME’s visibility and will lead to improved recruiting, program ranking, and student interactions.

- BME and the GIDP are spread across campus with no central space that students, faculty, and stakeholders associate with BME. Common space is important for the unit’s identity, particularly for the students and future faculty recruiting. Given plans for new medical buildings, this is the time for the COE/COM deans and BME/GIDP leaders to negotiate for space in one building to accommodate the new structure.

- The current BME faculty size is insufficient to maintain a strong undergraduate program and to remain nationally competitive in graduate education and research.

- The BSBME offers limited practice with design and analytical tools, while multiple tracks have created curricular redundancies. The faculty should consider collapsing the tracks into one, strengthening the core courses by adding research and design experiences, and leveraging local industries and COM clinical units to create strong research, design and private-sector opportunities for students.

- Community outreach and student recruitment activities could be better coordinated; the BME and GIDP websites aren’t well integrated, which leads to confusion among potential students.

- The PhD curriculum assumes that entering students don’t have a BS in BME; however, non-BME majors are becoming the minority. Consequently, the 5 required courses are redundant for an increasing number of students. As recruitment shifts toward well-qualified BME students, the Graduate Committee needs to rethink and restructure the PhD curriculum.

- BME could do a better job leveraging local industrial resources to provide internships and mentors for undergraduates pursuing careers in industry. Likewise, graduate students interested in industrial careers should incorporate internships into their degree program.

4. Quality Improvements Planned
   - Seven faculty members will be hired over the next five years, some in COM and others in COE.
   - The GIDP faculty is reviewing the PhD curriculum and admission of non-BME graduates.
   - The deans and faculty of BME and the GIDP are discussing the transfer of the GIDP program to BME as a departmental PhD program.
   - Improvement in assessment of student learning outcomes is in progress.

5. Program Fees
   - COE undergraduate lower division tuition differential - $450/semester for 12+ units
   - COE undergraduate upper division tuition differential - $900/semester for 12+ units

6. Low Productive Degree Programs – NA

7. High Level Information
   - Enrollments by Program Level
     - Bachelor of Science in Biomedical Engineering: 185
     - Master of Science in Biomedical Engineering: 10
     - Doctor of Philosophy Biomedical Engineering: 26
   - Graduation
     - Bachelor of Science in Biomedical Engineering: 42
     - Master of Science in Biomedical Engineering: 3
     - Doctor of Philosophy Biomedical Engineering: 5
   - State Funded Personnel by FTE
     - Faculty: 2.68
     - Staff: 1.5
     - Grad Assistants: 0
## BIOMEDICAL ENGINEERING DEPARTMENT AND GRADUATE INTERDISCIPLINARY PROGRAM

### COLLEGE OF ENGINEERING (UNDERGRADUATE PROGRAM) AND GRADUATE COLLEGE (GRADUATE PROGRAM)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review:  Department of Family and Community Medicine (FCM)
College/School:  College of Medicine (COM) - Tucson
University:  The University of Arizona

1. Scope of the Program Review
   The Department does not offer degree programs. In addition to patient care and research, it provides academic and clinical training in family medicine for medical students, residents, and fellows.

2. Quality Improvements Since Previous APR: 2008-2009
   - A second ACGME-accredited residency program has been established—the South Campus Family Medicine Residency (SCFMR)—to train residents in clinical practice and research.
   - Two post-doc fellowships have been created: an ACGME-accredited Sports Medicine Fellowship and a non-accredited Integrative Medicine Fellowship, in partnership with the AZ Center for Integrative Medicine.
   - The Resident Scholarly Project Program is a 2-year, didactic and hands-on resident learning experience in conducting quantitative and qualitative research projects.
   - The Pre-Med Admissions Pathway, for disadvantaged undergraduates who are pursuing a medical career, is an intensive 12-month medical school preparation program designed to increase diversity among healthcare providers.
   - The Banner Whole Health Clinic, established by FCM with COM-Psychiatry, is the first new intake agency in the Pima County public mental health system in a decade.

3. Outcomes of the Most Recent APR

   Strengths:
   - The faculty contributes to medical student education in many capacities: as mentors in the Societies Program, trainers in the FCM Clerkship, and lecturers in the family medicine topic threads throughout the curriculum.
   - The two residency programs have filled all eight positions through the National Matching Program every year; the diversity of patients and quantity/quality of in-patient experiences attract applicants.
   - The new Chair's strategic recruitment initiative has stimulated research in obesity/diabetes prevention/treatment; tobacco and substance use treatment/prevention; cancer survivorship; and intellectual, developmental and physical disabilities.
   - Faculty and residents are active in a variety of community outreach programs to reduce health disparities, such as the Ortiz Mobile Health Program for medically-underserved patients, the Native American Research & Training Center to improve the quality of life for Native Americans, and Camp Wellness for the mentally ill.
   - FCM collaborates with other colleges, such as Pharmacy, Nursing, and Agriculture/Life Sciences, to create experiential service learning opportunities for students.
   - New faculty members are assigned mentors who can help them develop their career in academic medicine.

   Concerns/Recommendations:
• The Department needs to shift to a Patient-Centered Medical Home (PCMH) care model in order to stay competitive for hires and relevant for training in family medicine. FCM should give high priority to hiring a Vice Chair of Clinical Services to lead the clinical transformation. The Vice Chair and Chair should work with Banner’s leadership to develop a program of innovation, expansion, and connection with other clinical units in the system.

• Due to a shortage of space at the Alvernon Clinic, the faculty can’t see patients alongside residents, so they are unable to serve as role models for the residents. Expansion of the Alvernon Clinic, along with more faculty and staff support, should be a priority for the Department and for Banner Health.

• Since retirement of the FCM clinical psychologist, the Residency Programs have been without a behaviorist, as specified by family medicine standards.

• Programs related to the education mission, from medical student to resident to fellows, need coherence, focus, assessment, and a comprehensive plan of progression. Medical students will need to learn quality improvement in order to practice in the new models of health care.

• FCM core faculty and staff are disbursed across 4 locations, so interaction between clinical and research members is limited. To build an integrated Department and promote collaboration on clinical research, the core faculty needs office space together.

• FCM has no endowed programs or chairs and no organized program of annual giving. Department leadership should work with COM development officers to implement a development plan, grow the stewardship of donors, and establish an annual giving program.

• Educational outreach programs have multiplied without accountability or evaluation. The Chair should launch an evaluation of those activities for effectiveness, quality, and cost.

4. Quality Improvements Planned

• The Senior Vice Provost for Health Sciences has recently clarified the funding model for COM under RCM and clinical practice. This will help the COM dean to assign resources to FCM and other departments.

• The Chair will hire a faculty member who is a clinical psychologist from her set-up package.

• Banner is building a new hospital that will free up existing clinical space. Assignment of this space is under review with the potential for more space to FCM.

5. Program Fees – NA

6. Low Productive Degree Programs – NA

7. High Level Information

• Enrollments by Program Level – NA

• Graduation – NA

• State Funded Personnel by FTE
  o Faculty: 5
  o Staff: 7.74
  o Grad Assistants: 7.53
### DEPARTMENT OF FAMILY AND COMMUNITY MEDICINE
### COLLEGE OF MEDICINE - TUCSON

#### Full-Time Equivalent (Fall)

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<td>Fall 2011</td>
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<td>Fall 2013</td>
<td>Fall 2014</td>
<td>Fall 2014</td>
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#### Student Majors Headcount (Fall)

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#### Degrees Granted

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#### State Funds Personnel (Fall Census)

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<td>12.81</td>
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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: School of Government and Public Policy (SGPP)
College/School: College of Social and Behavioral Sciences (SBS)
University: The University of Arizona

1. Scope of the Program Review

Criminal Justice Studies (replaced Criminal Justice Administration in FY 2013):
- Bachelor of Science

Government and Public Policy (replaced Political Science in FY 2012):
- Master of Arts
- Doctor of Philosophy

International Security (implemented in FY 2012):
- Master of Arts

Law (implemented with College of Law in FY 2015):
- Bachelor of Arts

Political Science:
- Bachelor of Arts

Public Administration:
- Master of Public Administration

Public Management and Policy:
- Bachelor of Science

Public Policy (implemented in FY 2015):
- Master of Public Policy


- The School was founded in 2009 with the merger of the Department of Political Science and the School of Public Administration/Policy—a unique structure among peer programs.
- The faculty has developed two fully online programs: MA in International Security (in partnership with Ft. Huachuca) and a Certificate in Collaborative Governance.
- Two Accelerated Master’s Programs have been created: (1) qualified Political Science and Public Management/Policy undergraduates can earn the Master of Public Administration, (2) Law undergraduates can earn the Master of Legal Studies.
- In 2011 SGPP consolidated five undergraduate minors into one unique minor, Government and Public Policy, for students with majors in other social sciences.
- The Bachelor of Arts in Law, the first of its kind nationally, was designed to meet the increasing demand for professionals with legal training in varied fields.

3. Outcomes of the Most Recent APR

Strengths:
- The morale among faculty, staff and administrators is very high; there is a sense of camaraderie, a commitment to the common good, and a dedication to students.
- SGPP professional advisors offer their undergraduates traditional advising services, newsletters, professional development seminars, and alumni panels on careers.
- The School houses the National Institute for Civil Discourse, and the Rombach Institute for Crime, Delinquency and Corrections, both funded by private sources. These institutes provide research opportunities for SGPP students.
Political science faculty specializes in American and comparative politics, political theory, and international relations; while the public administration faculty’s expertise is in public management, environmental policy, public finance, and criminal justice.

SGPP’s development efforts have yielded two privately funded chairs, the Robedeux Family Civic Engagement Room, and the Robedeux Student Travel fund. Donations also support student scholarships and internships.

SGPP has strong leadership from the director and has begun to cultivate successors.

Concerns/Recommendations:

As SGPP has focused its attention on developing innovative academic programs, the long-term strategic planning has received less attention. The faculty now needs to engage in a strategic planning process, a process that began with the self-study for this APR.

There is little community outreach. While individual faculty members give public lectures related to their research, educational outreach isn’t incorporated in faculty performance reviews and isn’t part of the School’s culture. Outreach efforts could increase SGPP’s visibility and its support base.

Despite having thousands of alumni from former and current degree programs, there is no formal alumni community. The Director should appoint a committee to start building an alumni network that will support SGPP activities and programs through advocacy, gifts/donations, and attendance at School functions.

The School’s potential for growth has been stunted because of the absence of a communications and development infrastructure related to its identity. SGPP should establish an identity that is projected through promotion, marketing and recruitment for its academic programs.

4. Quality Improvements Planned

SGPP’s self-study serves as baseline information for a strategic plan.

The dean will permit on-two hires in SGPP this year, with more permitted in future years.

5. Program Fees

- SGPP undergraduate upper division program fee - $450/ semester for 1+ units
- Master of Public Administration program fee - $1,250/ semester for 1+
- Master of Public Policy program fee - $1,250/ semester for 1+ units

6. Low Productive Degree Programs – NA

7. High Level Information

- Enrollments by Program Level
  - Baccalaureate: 1640
    - Bachelor of Science in Criminal Justice Studies: 524
    - Bachelor of Arts in Law: 82
    - Bachelor of Arts in Political Science: 769
    - Bachelor of Science in Public Management & Policy: 265
  - Masters: 174
    - Master of Arts in Government & Public Policy: 0
    - Master of Arts in Information Security: 98
    - Public Administration: 76
    - Public Policy: 0
  - Doctorate:
    - Doctor of Philosophy in Government and Public Policy: 33

- Graduation
  - Baccalaureate: 404
    - Bachelor of Science in Criminal Justice Studies: 50
    - Bachelor of Arts in Law: 3
- Bachelor of Arts in Political Science: 251
- Bachelor of Science in Public Management & Policy: 100
  - Masters: 70
    - Master of Arts in Government & Public Policy: 3
    - Master of Arts in Information Security: 30
    - Master of Public Administration: 37
    - Master of Public Policy: 0
  - Doctorate:
    - Doctor of Philosophy in Government and Public Policy: 4
- State Funded Personnel by FTE
  - Faculty: 21.53
  - Staff: 5.95
  - Grad Assistants: 12.25
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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Department of Mathematics (MATH)
College/School: College of Science (COS)/ School of Mathematical Sciences (SMS)
University: The University of Arizona

1. Scope of the Program Review

   Mathematics:
   - Bachelor of Arts
   - Bachelor of Science
   - Master of Arts
   - Master of Science
   - Doctor of Philosophy

   Middle School Mathematics:
   - Master of Arts

2. Quality Improvements Since Previous APR: 2008-2009

   - Facilities improved with the new ENR2 Building, which now houses half of the MATH faculty and graduate students. Those still in the Math Building have more space.
   - Supplemental Instruction (1-unit classes) have been implemented for pre-Calculus/Calculus and online versions of most introductory MATH courses, improving student success.
   - In 2011 a School of Mathematical Sciences External Advisory Board was created with community and business leaders. The Board advocates in a variety of ways for the Department and has increased the gifts and donations to MATH endowments.
   - In 2014 the PhD-MATH was ranked 41st nationally by U.S. News & World Report.
   - Educational outreach by faculty and students improve the skills of hundreds of K-12 mathematics teachers each year through programs offered by the Institute for Mathematics & Education and the Center for Recruitment/Retention of Teachers.

3. Outcomes of the Most Recent APR

   Strengths:
   - The Department has three internationally renowned research groups: Applied Math (particularly Mathematical Physics), Number Theory, and Education.
   - The faculty is sincerely dedicated to MATH’s instructional mission, including those students taking entry-level mathematics to fulfill General Education. The Department assigns teaching mentors to new instructors to help them learn the course structure and preferred teaching approach—active learning strategies.
   - PhD students are exposed to research in mathematics during an innovative second-year research tutorial group in which they work with faculty mentors on a research project that may serve as the basis for developing a dissertation project.
   - Undergraduates are well-advised by the Math Center, which was honored with an Award for the Exemplary Program in 2011 by the American Mathematical Society.
   - BA/BS students are encouraged to work as Undergraduate Teaching Assistants in entry-level courses or as Undergraduate Research Assistants with faculty members.

   Concerns/Recommendations:
   - There are a number of senior faculty members who could retire in the near future.
   - MATH needs to develop a strategic plan for the department’s future.
• Junior faculty and post-docs haven’t been effectively mentored in research or provided with sufficient opportunities to collaborate beyond the Department.

• The proportion of faculty from underrepresented minority groups is very low. MATH should establish a Diversity Committee to suggest strategies to increase the number of minorities and women at all levels.

• Enrollment in the PhD Program declined by 20% during the APR period, probably due to the low stipend. Graduate enrollment should be increased to levels consistent with peer programs, which would better support the unit’s research and teaching missions.

• There is little understanding of the purpose and scope of the community outreach programs, and the impact and effectiveness of those programs not been assessed. Oversight of outreach programs is needed, perhaps by an Outreach Committee that could evaluate the mission and success of each program, then prioritize faculty and staff support to those that are most effective.

4. Quality Improvements Planned
   • Strategic planning will begin with the junior faculty (Assistant and Associate Professors) envisioning the future that they see and want in the department. The vision will then be shared and discussed widely with the faculty, department head and dean.
   • The dean will allow the department to hire faculty at the mid-career level to enhance the leadership capability of MATH. This year, a new department head will be recruited with a national search.
   • A postdoctoral program has been created that includes a balance of research and teaching.
   • The dean has increased graduate student stipends across the College of Science.

5. Program Fees – NA
6. Low Productive Degree Programs – NA
7. High Level Information
   • Enrollments by Program Level
     o Baccalaureate
       ▪ Bachelor of Arts in Mathematics: 113
       ▪ Bachelor of Science in Mathematics: 469
     o Masters:
       ▪ Masters of Arts in Mathematics: 1
       ▪ Masters of Science in Mathematics: 0
       ▪ Masters of Arts in Middle School Mathematics: 0
     o Doctorate:
       ▪ Doctor of Philosophy in Mathematics: 49
   • Graduation by Program Level
     o Baccalaureate
       ▪ Bachelor of Arts in Mathematics: 19
       ▪ Bachelor of Science in Mathematics: 99
     o Masters:
       ▪ Masters of Arts in Mathematics: 0
       ▪ Masters of Science in Mathematics: 3
       ▪ Masters of Arts in Middle School Mathematics: 1
     o Doctorate:
       ▪ Doctor of Philosophy in Mathematics: 9
   • State Funded Personnel by FTE
     o Faculty: 93.11
     o Staff: 14.77
     o Grad Assistants: 33.89
### Full-Time Equivalent (Fall)

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### Student Majors Headcount (Fall)

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### Degrees Granted

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### Mathematics

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### Middle School Mathematics

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### State Funds Personnel (Fall Census)

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<tr>
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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Department of Mining and Geological Engineering (MGE)
College/School: College of Engineering (COE)
University: The University of Arizona

1. Scope of the Program Review

*Geological Engineering (disestablished FY 2009, but students completed the degree):*
- Bachelor of Science in Geological Engineering

*Mining Engineering:*
- Bachelor of Science in Mining Engineering

*Mining, Geological and Geophysical Engineering:*
- Master of Science
- Doctor of Philosophy

2. Quality Improvements Since Previous APR: 2008-2009

- The recently created Harshbarger-Mines Business Center, with an administrative staff of four, provides efficient support for MGE and two other COE departments.
- The BSMNE was reaccredited by ABET in 2010 with four tracks: Mine Operations, Geomechanics, Mineral Processing, and Sustainable Development.
- Four graduate certificates have been developed for in-person and online students: Geomechanics, Mine Production/Information Technology, Mineral Processing/Extractive Metallurgy, and Mining Occupational Safety/Health.
- With input from the MGE Industry Leadership Board, the faculty met throughout Spring/Fall 2015 to develop a new strategic plan with five strategic priorities.

3. Outcomes of the Most Recent APR

**Strengths:**
- The faculty is accessible to students and displays a high level of commitment to the educational mission.
- The Department manages the San Xavier (SX) Experimental Mine—a 90-acre facility with classrooms and training space. Educational outreach includes mine tours for K-12 students and other groups.
- The Department has strong connections to state and national minerals industries, and these have led to a high level of industry support for MGE academic programs.
- The faculty has a history of entrepreneurship and tech transfer; several members have startup companies and patents based on their research.

**Concerns/Recommendations:**
- The curricula for the MS and PhD Programs lack coherence. The faculty should review the curriculum and add one or more common core courses and assess program learning outcomes holistically with an eye on improving student learning outcomes.
- MGE’s research expenditures are lower than those for other COE units, and its journal publications haven’t met the Department’s goals. The faculty needs to explore opportunities for increase research funding by pursuing more cross-cutting and collaborative interdisciplinary
initiatives.

- The cyclic nature of the mining industry leads to fluctuations in student enrollment in MGE Programs. The faculty should develop courses of interest to students outside the Department (e.g., courses in sustainability, mining-related environmental issues) as a means of increasing revenues within the RCM budget model.
- The SX Mine is an under-utilized asset. The faculty should expand the integration of this Mine into the undergraduate curriculum and research activities as part of the University’s current student engagement initiative.

4. Quality Improvements Planned
- MGE has started the process of strategic planning to increase grant funding and publications.
- A plan to hire a new tenure-track faculty member to teach core courses in mining engineering has been approved by the dean.
- MGE will discuss improvements to the graduate curriculum at an upcoming retreat.
- MGE has designed a graduate certificate for personnel at the Caterpillar plant that has moved to Tucson.

5. Program Fees
- COE undergraduate lower division tuition differential - $450/ semester for 12+ units
- COE undergraduate upper division tuition differential - $900/ semester for 12+ units

6. Low Productive Degree Programs – NA

7. High Level Information
   - Enrollments by Program Level
     - Baccalaureate
       - BS in Geological Engineering: NA (Disestablished 2009)
       - BS in Mining Engineering: 90
     - Masters:
       - MS, Mining, Geological and Geophysical Engineering: 8
   - Doctorate:
     - PhD, Mining, Geological and Geophysical Engineering: 20
   - Graduation by Program Level
     - Baccalaureate
       - BS in Geological Engineering: NA (Disestablished 2009)
       - BS in Mining Engineering: 28
     - Masters:
       - MS, Mining, Geological and Geophysical Engineering: 1
     - Doctorate:
       - PhD, Mining, Geological and Geophysical Engineering: 3
   - State Funded Personnel by FTE
     - Faculty: 8.58
     - Staff: 2.5
     - Grad Assistants: .25
### DEPARTMENT MINING AND GEOLOGICAL ENGINEERING

#### COLLEGE OF ENGINEERING

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<th>Full-Time Equivalent (Fall)</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
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<th>2013-14</th>
<th>2014-15</th>
<th>College Total</th>
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<td>Fall 2009</td>
<td>Fall 2010</td>
<td>Fall 2011</td>
<td>Fall 2012</td>
<td>Fall 2013</td>
<td>Fall 2014</td>
<td>Fall 2014</td>
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<td>96.38</td>
<td>103.60</td>
<td>114.50</td>
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</table>

| Student Majors Headcount (Fall) | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 |
|-------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total Undergraduate           | Fall 2008 | Fall 2009 | Fall 2010 | Fall 2011 | Fall 2012 | Fall 2013 | Fall 2014 | Fall 2014 |
| Total Graduate                | 25      | 23      | 19      | 25      | 30      | 28      | 28      | 380    |

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<td>NA</td>
<td>NA</td>
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| Total Degree Seeking Students              | 96      | 89      | 85      | 91      | 100     | 109     | 118     | 2,992    |

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<td>4</td>
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<td>Total Faculty FTE</td>
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<td>2.34</td>
<td>2.48</td>
<td>2.74</td>
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| Professional FTE                          | 0.00    | 0.00    | 0.00    | 0.00    | 0.49    | 0.00    | 0.00    | 22.79   |
| Staff FTE                                  | 2.00    | 2.00    | 1.33    | 1.20    | 0.40    | 2.38    | 2.50    | 49.11   |
| Graduate Assistant FTE                    | 0.75    | 0.00    | 0.33    | 1.00    | 0.00    | 0.83    | 0.25    | 10.46   |
| Total State Funds Personnel               | 8.33    | 8.96    | 10.20   | 10.37   | 8.14    | 11.17   | 11.33   | 171.41  |
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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review:  Fred Fox School of Music (SOM)
College/School:  College of Fine Arts (CFA)
University:  The University of Arizona

1. Scope of the Program Review

Music:
- Bachelor of Arts
- Master of Music
- Doctor of Musical Arts
- Doctor of Philosophy

Music Education:
- Bachelor of Music

Performance:
- Bachelor of Music

2. Quality Improvements Since Previous APR: 2008-2009

- SOM’s academic programs were reviewed and accredited by the National Association of Schools of Music in 2010 for ten years.
- The School amended its name in 2015 with the $20M gift from Fred Fox that funded three endowed faculty chairs, the Graduate Wind Quintet, and student scholarships.
- The String Project, an educational outreach program for students who wouldn’t otherwise have musical training, resumed in 2015 with a gift for that purpose.
- UA Athletics gave new Yamaha wind instruments to the Marching and Pep Bands.
- A Music Advisory Board of 51 community members contributes to the SOM, mainly by funding student and faculty travel, equipment upgrades, and instrument repairs.

3. Outcomes of the Most Recent APR

Strengths:
- The music education, musicology, and theory faculties are engaged in research that contributes to the expansion of knowledge within their respective fields, while the composition faculty’s original music is performed in venues around the world.
- Junior faculty members are well served with mentoring on the promotion/tenure process from the senior faculty.
- SOM students are enthusiastic, talented, and engaged in performances or other professional experiences related to their academic programs.
- Several programs—namely harp, guitar, and choral conducting—have national reputations and attract top undergraduate and graduate students.
- A professional academic advisor assists all undergraduate majors, and students are mentored by one or more faculty members, often in conjunction with their lessons.

Concerns/Recommendations:
- The SOM lacks a long-term vision and strategic plan. The Director should initiate a strategic planning process that includes faculty at all levels and in all areas.
- The leadership team was well-intentioned by taking administrative work from the shoulders of faculty and staff; however, that isn’t a long-term solution to a reduced staff. As part of strategic planning, consideration should be given to “right sizing” the SOM’s programs, based on what can
be supported in the new economic model.

- Governance documents have been inadequate for guiding the faculty and staff as the School has grown. The faculty should develop by-laws that set forth processes and procedures for daily governance. The by-laws should include faculty workloads and how those are calculated, administrators' terms of appointment and length of service, staff responsibilities, identification and purpose of committees, etc.

- A lack of inclusion and open communication from the leadership team about issues and governance decisions has led to some misunderstandings and mistrust in the faculty. One option is to create a Faculty Advisory Committee with representation from all areas of the School to bring concerns and suggestions to the Director, who would communicate those suggestions and decisions to the administrative team and the SOM faculty and staff.

- Graduate degree completion rates could be improved. The Graduate Committee should consider admitting fewer, better-qualified students and developing a system to closely monitor and evaluate those students' progress.

- It is important to have a diverse faculty with more females and members from underrepresented minorities. When recruiting new faculty, the search committee should build flexibility into job descriptions.

- Facilities are stretched beyond capacity and are no longer sufficient to support the needs and activities of the School. Since a new building won't be constructed in the near future, the Director should request a review of the HVAC system and ask the dean to help find additional office space.

4. Quality Improvements Planned

- Facilities Management will be asked to review the problems with the HVAC system.
- The AV equipment in one of the main teaching rooms is scheduled for an upgrade.
- The administrative team of the School, together with the Dean, are in the process of reviewing processes, practices, and responsibilities within the School.
- The School is working with the Office of Instruction and Assessment to improve the assessment of student learning outcomes.

5. Program Fees

- CFA undergraduate upper division tuition differential - $300/ semester for 12+ units
- Master of Music program fee - $300/ semester for 7+ units

6. Low Productive Degree Programs – NA

7. High Level Information

- Enrollments by Program Level
  - Baccalaureate
    - BA, Bachelor of Arts in Music: 50
    - BMu, Bachelor of Music in Music Education: 87
    - BMu, Bachelor of Music in Performance: 129
  - Masters:
    - MM, Master of Music: 54
  - Doctorate:
    - DMA, Doctor of Musical Arts: 116
    - PhD, Music: 11
- Graduation by Program Level
  - Baccalaureate
    - BA, Bachelor of Arts in Music: 12
    - BMu, Bachelor of Music in Music Education: 12
    - BMu, Bachelor of Music in Performance: 23
- Masters:
  - MM, Master of Music: 20
- Doctorate:
  - DMA, Doctor of Musical Arts: 13
  - PhD, Music: 2
- State Funded Personnel by FTE
  - Faculty: 46.77
  - Staff: 12.18
  - Grad Assistants: 12.58
### Full-Time Equivalent (Fall)

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<td>Fall 2008</td>
<td>Fall 2009</td>
<td>Fall 2010</td>
<td>Fall 2011</td>
<td>Fall 2012</td>
<td>Fall 2013</td>
<td>Fall 2014</td>
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<td>528.68</td>
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<td>447.58</td>
<td>504.65</td>
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### Student Majors Headcount (Fall)

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# 2015-16 ACADEMIC PROGRAM REVIEW REPORT

**Unit for Review:** Department of Neurology (NEUR)  
**College/School:** College of Medicine (COM) - Tucson  
**University:** The University of Arizona

## 1. Scope of the Program Review

The Department does not offer degree programs. In addition to patient care and research, it provides academic and clinical training in neurology for medical students, residents, and fellows.

## 2. Quality Improvements Since Previous APR: 2007-2008

- A second Adult Neurology Residency Program—accredited in 2011 by ACGME for ten years—was added at the Banner University Medical Center-South Campus.
- Following an assessment of its residency program, NEUR added research to the curriculum, including a neuroscience journal club. Many residents now participate as co-investigators in clinical trials.
- The creation of a NEUR research director administrative position was a first step toward focusing on the development of more research initiatives.
- The number of accredited fellowship programs increased to four: behavioral neurology, epilepsy, neurophysiology, and stroke/cerebrovascular diseases.
- The Department has benefitted from low faculty turnover. Since the 2008 APR, only five members left while fourteen were hired, for a net gain of nine.

## 3. Outcomes of the Most Recent APR

**Strengths:**
- The faculty is dedicated to the Department’s training and education mission; the members are outstanding educators.
- Residents rate their training very highly, and the Board pass rate for both residency programs is excellent.
- The faculty is collaborating with Neurosurgery to create a Neurological Intensive Care Unit that will include a program to deal with traumatic brain injury.
- The faculty’s research focuses on ALS, epilepsy, headache, dementia, movement disorders, central nervous system infections, and stroke.
- Many faculty members engage in collaborative basic research and clinical trials with centers, departments and colleges, such as Pharmacy, McKnight Brain Institute, BIO5 Institute, Chemistry, Psychology, and Speech, Language/Hearing Sciences.

**Concerns/Recommendations:**
- NEUR does not have an up-to-date strategic plan; as a result, the teaching, clinical, and research missions are not well aligned. The faculty should engage in developing a strategic plan that supports the COM, UA, and Banner’s strategic directions and takes into account the current economic environment.
- Assistant/associate professors are not promoted in a timely fashion. Department leadership should develop a formal faculty mentoring (career coaching) system for the junior faculty.
- The Promotion/Tenure Committee doesn’t review all faculty members on a yearly basis. The P/T
Committee should be enlarged, rebalanced, and charged with performing an annual evaluation of all members that includes (with the Chair) reviewing members’ goals, progress toward those, and development plans.

- NEUR offers insufficient assistance to faculty on research and professional development. The Department should take advantage of UA and COM resources for faculty development, research, and promotion/tenure (e.g., leadership training, grant-writing assistance, and faculty mentoring models).

- The administrative staff is inadequate to support the growing number of faculty, residents, and student clerkships. The Chair should evaluate the current staffing versus staffing needs for effective achievement of all NEUR missions and secure from Banner the appropriate funds to correct the current understaffing situation.

- More office space is needed for faculty. The Chair should negotiate with COM and Banner Health leadership for appropriate space in advance of the move to a new building.

- Clinic patient volume often exceeds support staff capacity, which negatively impacts productivity. NEUR should work with Banner leadership to evaluate and improve, as needed, the level of administrative and clinical support staff at all clinical sites.

- The model of multiple outpatient clinics at geographically dispersed sites spreads the faculty too thin. NEUR and Banner leadership should re-evaluate offering neurology services at all clinics and consider limiting these services to strategically selected sites based on market share, potential payer mix, and community need.

- Faculty need more protected time for research, especially for TTE junior faculty. Collaboration with other UA units will help stretch the Department’s limited resources for staff support and mentorship opportunities for basic science and clinical researchers.

- Fellowship positions are frequently unfilled. The Department should be more proactive in marketing its fellowship opportunities.

4. Quality Improvements Planned

- With the construction of a new hospital by Banner and reassignment of the current clinical space, it is possible that additional office space for NEUR will be available.

- A new NEUR clinic will open near the main hospital, allowing existing clinical space at the Alvernon clinic to be assigned to another department.

- The P&T Committee will be enlarged to include a few elected faculty members.

- Improved staff and medical student evaluations will be developed and implemented.

- Junior faculty mentoring will be established.

5. Program Fees – NA

6. Low Productive Degree Programs – NA

7. High Level Information

- Enrollments by Program Level – NA
- Graduation by Program Level – NA
- State Funded Personnel by FTE
  o Faculty: 2.55
  o Staff: 3.39
  o Grad Assistants: 0
## DEPARTMENT OF NEUROLOGY
### COLLEGE OF MEDICINE - TUCSON

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Department of Radiation Oncology (RONC)
College/School: College of Medicine (COM) - Tucson
University: The University of Arizona

1. Scope of the Program Review
The Department does not offer degree programs. In addition to patient care and research, it provides academic and clinical training in radiation oncology for medical students, residents, and fellows.

2. Quality Improvements Since Previous APR: 2008-2009
- RONC created a second residency program in Medical Physics and applied to the Commission on Accreditation of Medical Physics Education Programs (CAMPEP) in Fall 2015 for accreditation, which is now mandatory for medical physicists.
- RONC faculty at the UA Cancer Center Clinic, which opened in Northwest Tucson in 2011, treats patients in the spacious, modern facility with state-of-the-art equipment.
- The Department partners with the Radiation Therapy School at Washburn University to train one or two therapy students per year, and with the Medical Dosimetry Program at Bellevue College to provide clinical training to dosimetry students.
- RONC physics faculty collaborates with the College of Science, Physics Department in offering the 2-year PSM - Medical Physics Program, accredited by CAMPEP in 2012. Members teach courses and oversee the radiation oncology internship.

3. Outcomes of the Most Recent APR
   Strengths:
- Successful training of medical and medical physics residents is assessed by the Board exam pass rate and employment of graduates. Since the last APR, all residents have passed the certification exams and are employed in the field.
- The faculty contributes to medical student education by serving as lecturers for classes in the oncology-specific block, teaching elective courses to 3rd- and 4th-year students, and mentoring students during 4th-year rotations. Students interested in a radiation oncology specialty are encouraged to do a research project in RONC.
- The Head was instrumental in maintaining Department cohesion and motivation during the University Medical Center’s recent merger with Banner Health Care.
- The faculty participates in multidisciplinary patient care, which involves attending up to 24 tumor boards per month to coordinate care among all oncology subspecialties.
- The faculty’s research is focused on improving patient care through prospective or retrospective reviews of radiation therapy practices. These clinical projects address applications ranging from innovative frameless radiosurgery for trigeminal neuralgia, to new ways for delivering intra-operative radiation for breast cancer.
- Research collaborations with investigators outside the Department are vital for basic and clinical radiation oncology research, and all members participate in such collaborations as their time permits.

   Concerns/Recommendations:
- The Department has not been an active participant in the AZ Cancer Center’s fund-raising
activities. The Head should seek a leadership role on the Center’s executive committee and should have opportunities to articulate RONC’s equipment and technology needs when interacting with prospective donors at fundraising events.

- Based on national standards, the Department’s current physicist staffing is 50% short of the needed complement, and the dosimetrist staffing is 40% short. These staffing issues require immediate correction to assure patient safety. The PSM Medical Physics Program has struggled to remain sustainable with the small physics faculty, an increasing clinical workload, and little financial support. The COM has agreed to fund a 0.5 FTE physics faculty position for this Program.

- RONC’s prospects for conducting translational research are limited by having one basic researcher overseeing resident training in the cancer/radiobiology subspecialty. This researcher should be given a joint faculty appointment with a basic science department, should participate in interviewing medical physicist residency candidates, and should help lead an annual half-day research retreat.

- Faculty members are disproportionately involved in clinical activities and are not in a position to contribute to all Department and COM missions. The RONC Head should work with Banner Health to provide adequate clinical infrastructure, including physician extenders, to permit best use of physician skill and time. The academic mission must be valued, and the expertise of faculty recruits must be aligned with the academic needs of the COM, as well as with RONC’s research programs.

- The culture of faculty mentorship is suboptimal and its structure is not as effective as it could be.

4. Quality Improvements Planned
   - The Department has already developed a formal mentorship program with “mentor teams” to assist in the faculty mentorship role.
   - Over the next few years, the dean and the Cancer Center will permit RONC to hire a few faculty radiobiologists.

5. Program Fees – NA

6. Low Productive Degree Programs – NA

7. High Level Information
   - Enrollments by Program Level – NA
   - Graduation – NA
   - State Funded Personnel by FTE
     - Faculty: .25
     - Staff: 3.71
     - Grad Assistants: 0
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### COLLEGE OF MEDICINE - TUCSON


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### State Funds Personnel (Fall Census)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Department of Soil, Water, and Environmental Science (SWES)
College/School: College of Agriculture and Life Sciences (CALS)/ School of Earth and Environmental Sciences (SEES)
University: The University of Arizona

1. Scope of the Program Review

**Crop Production (replaced by Sustainable Plant Systems in FY2012):**
- Bachelor of Science

**Environmental Science:**
- Bachelor of Science in Environmental Science

**Soil, Water and Environmental Science:**
- Master of Science
- Doctor of Philosophy

**Sustainable Plant Systems (jointly administered with Plant Sciences since FY2012):**
- Bachelor of Science

2. Quality Improvements Since Previous APR: 2008-2009

- SWES is one of seven units in CALS and College of Science that founded SEES, formed in 2009 to encourage more interdisciplinary research. In 2014, the School was ranked 7th nationally for its academic programs by US News & World Report.
- In the past seven years, SWES has sponsored over 40 visiting scientists, 36 post-doctoral fellows and 2 Fulbright Scholars.
- SWES faculty members served as principle investigators in establishing two National Science Foundation observatories: Catalina-Jemez Critical Zone Observatory and the Kartchner Caverns Microbial Observatory.
- The faculty partnered with industry in establishing two new research centers: Center for Environmentally Sustainable Mining, and Water/ Energy Sustainable Technology Center—a state-of-the-art laboratory facility at a wastewater treatment plant.
- An Accelerated Master’s Program in Environmental Science was developed in 2014 for well-qualified students to complete the BES and MS-SWES in 5 years.

3. Outcomes of the Most Recent APR

**Strengths:**
- The faculty is involved in basic and applied research in five core areas: critical zone science, water quality/resources sustainability, pollution dynamics and mitigation, food/water safety, and arid/semi-arid agriculture.
- SWES has strong undergraduate and graduate academic programs across the domain of environmental sciences in the context of terrestrial earth systems integrated with translational science, agriculture, industry, and human well-being.
- With a priority of diversifying the faculty since the last APR, recent faculty hires have improved the gender and ethnic balance in the Department, which may have contributed to increased Native American student interest in SWES programs.
- Cooperative Extension faculty is well-integrated in Department programs. Members have strengthened their connections with students by giving guest lectures in undergraduate courses and advising graduate students on their thesis research.
- The Curriculum Committee has advanced a proposal to offer one of the four BES subplans
through UA Online to meet the needs of part-time students and to increase revenue for graduate assistantships.

Concerns/Recommendations:

- The assessment of student learning outcomes was deemed inadequate by the Office of Instruction/Assessment (OIA) for undergraduate and graduate programs. SWES faculty needs to work with OIA staff to articulate student learning objectives, develop appropriate assessment strategies and create a timeline for implementation.

- There has been limited integration among UA’s environmental science/studies programs, due to the perception of competition that may preclude the development of attractive, streamlined curricula that would increase student enrollment in these programs. SWES should take a leadership role in articulating the common goals of environment-related departments/schools in CALS and other colleges.

- The faculty perceives the Department’s vision and goals as rather generic and cannot identify a distinct SWES “branding.” The unit’s strategic goals should be revised to uniquely position the Department as offering premier programs at the UA, with clear branding and aspirations for improved quality, recognition, and research collaborations.

- Dispersed faculty/staff offices and laboratories across multiple buildings challenges communication, limits visibility, and results in a general lack of unity, collegiality and common vision among the members and students.

- Despite the faculty’s desire to foster graduate education, the number of SWES graduate students has decreased, primarily due to fewer assistantships. SWES needs to develop sustainable graduate student recruitment and support plans that balance funding from CALS and Graduate College, summer and online courses, external research contracts, and endowments/fellowships.

- Although SWES has a faculty mentoring program, members questioned its sufficiency and “fit” for all new members. The Head will ensure that the junior faculty is engaged in the life of the Department and prepared for promotion/tenure through one-on-one mentoring, participation in student welcome sessions, attendance at UA workshops on research/teaching, collaboration with researchers, and involvement in unit governance.

- SWES lacks an effective way to track or maintain contact with their alumni. This hinders the Department’s ability to initiate development campaigns or other activities to augment its income and visibility in the community. The Head should work with development officers in CALS to make connections with alumni and initiate fundraising activities.

4. Quality Improvements Planned

- The Dean would like to help SWES faculty co-locate to one or two buildings.

- The department head will coordinate discussions across campus about developing a student portal with an environmental science focus to help undergraduates find the most appropriate program.

- SWES is in conversation with SEES about streamlining the undergraduate environmental science curriculum and program, but will share teaching and RCM SCH with faculty involved in the teaching.

- More social activities will be planned by the department head to enhance a sense of belonging among faculty, staff and students who are spread among several buildings.

5. Program Fees

Bachelor of Science in Environmental Science program fee - $350/ semester

6. Low Productive Degree Programs
Sustainable Plant Systems: Bachelor of Science – 21 completions in the past 3 years. The program has only existed for 3 years and will soon meet ABOR standards.

7. **High Level Information**

- **Enrollments by Program Level**
  - Baccalaureate
    - BS in Crop Production: 5
    - BS in Environmental Science: 178
    - BS in Sustainable Plant Systems: 56
  - Masters:
    - MS in Soil, Water, and Environmental Science: 23
  - Doctorate:
    - PhD in Soil, Water, and Environmental Science: 30

- **Graduation by Program Level**
  - Baccalaureate
    - BS in Crop Production: 2
    - BS in Environmental Science: 30
    - BS in Sustainable Plant Systems: 8
  - Masters:
    - MS in Soil, Water, and Environmental Science: 10
  - Doctorate:
    - PhD in Soil, Water, and Environmental Science: 7

- **State Funded Personnel by FTE**
  - Faculty: 11.1
  - Staff: 11.4
  - Grad Assistants: 2.5
## DEPARTMENT OF SOIL, WATER, AND ENVIRONMENTAL SCIENCE

### COLLEGE OF AGRICULTURE AND LIFE SCIENCES

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### Crop Production (now Sustainable Plant Systems)

- **Baccalaureate**
  - 10
  - 10
  - 13
  - 18
  - 25
  - 8
  - 5

### Environmental Science

- **Baccalaureate**
  - 128
  - 151
  - 167
  - 161
  - 176
  - 169
  - 178

### Soil, Water and Environmental Science

- **Masters**
  - 24
  - 26
  - 25
  - 22
  - 31
  - 26
  - 23

- **Doctoral**
  - 34
  - 34
  - 38
  - 34
  - 34
  - 33
  - 30

### Sustainable Plant Systems (formerly Crop Production)

- **Baccalaureate**
  - NA
  - NA
  - NA
  - NA
  - 7
  - 36
  - 56

| Total Degree Seeking Students | 196 | 221 | 243 | 235 | 273 | 272 | 292 | 2,799 |

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**The University of Arizona**

2015-2016 Academic Program Review

Part II: Data Summary

Item #23 Attachment

Page 137 of 147
### Degrees Granted

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#### Soil, Water and Environmental Science

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#### Sustainable Plant Systems (formerly Sustainable Plant Systems)

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### State Funds Personnel (Fall Census)

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: Statistics (STAT) Graduate Interdisciplinary Program (GIDP)
College/School: Graduate College/ School of Mathematical Sciences (SMS)
University: The University of Arizona

1. Scope of the Program Review

   Statistics:
   - Master of Science
   - Doctor of Philosophy

2. Quality Improvements Since Previous APR: This GIDP was established in 2005.
   - Since STAT was established 11 years ago, the GIDP has attained interdisciplinarity by appointing associated faculty members from 9 colleges and 16 academic units.
   - The Graduate Certificate in Statistics/Data Science was developed to teach advanced skills to practicing professionals; as of 2013 it has been available online.
   - The Statistics Consulting Laboratory, founded by the BIO5 Institute and the UA, collaborates with STAT members to provide statistical expertise and computing resources. The Lab supports one or two STAT students each year.
   - The STAT Executive Committee, comprised of six faculty members, administers the academic programs, oversees GIDP membership, provides advice to the Chair, submits an annual report on Program activities/accomplishments, promotes interdepartmental awareness of statistics research, and rules on curriculum issues.
   - In 2014 an Accelerated Master’s Program was created for high-achieving students in the MATH-BA or BS to complete the STAT-MS in five years.

3. Outcomes of the Most Recent APR

   Strengths:
   - The STAT Chair collaborates with other unit heads in the School of Mathematical Sciences (SMS) by supporting the External Advisory Board and organizing colloquia lectures by the associated faculty outside of Mathematics.
   - STAT offers a well-designed curriculum covering the breadth of modern statistics in foundations, methodology and cognate disciplines for both the MS and PhD.
   - The faculty’s research spans informatics/computation, medicine, law, life sciences and social sciences; examples include computational biology, statistical genomics, ecological statistics, spatial statistics, and stochastic interacting systems.
   - STAT is building a network of supporters among local businesses and industries.
   - Biostatistics and STAT students have developed an educational outreach program, funded by the American Statistical Association, in which they visit rural and minority-majority high schools in southern AZ to discuss careers in statistics.

   Concerns/Recommendations:
   - While the STAT Program has grown, enrollment could be increased if more teaching assistantships (TAs) were available. The Chair should negotiate with college deans who have GIDP-associated faculty to provide a set number of assistantships annually for STAT students.
   - The Program curriculum has little continuity. Although STAT faculty decides on course requirements, members have little control over whether/when statistics courses are offered, and whether their respective department heads can “spare” its members to teach required courses.
STAT leadership should work with the UA administration to build and codify the curriculum. The Program needs written agreement from department heads, deans, and the GIDP Director to support the faculty-approved curriculum, along with a schedule for offering the courses.

- The visibility of the program is inadequate, both within the UA and externally, due to low faculty involvement in recruitment and a lack of effective marketing. The Chair should obtain assistance from the GIDP Director to promote the Program with an improved webpage, brochures, and development activities with GIDP donors.

- There is no undergraduate major in statistics, only a Probability/Statistics Track in the Mathematics Major. The Mathematics Department Head and Curriculum Committee should consider developing an undergraduate major in statistics, which would generate more undergraduate statistics courses, more student credit hours, and more opportunities for STAT teaching assistantships.

- Most incoming STAT students don’t understand the GIDP structure, and they have few opportunities to interact with the associated faculty. The Executive Committee should develop a mentorship system for students who haven’t formed their research committees. While the Chair serves as academic advisor for new students, this role should be shared with other STAT faculty members.

- The STAT colloquium has been scheduled once per month. Greater frequency would expose students to more dissertation research topics, as well as increase the students’ esprit de corps. Some cost-effective ways to expand the series include: inviting more GIDP faculty members to present their research, and collaborating with other departments holding statistics- or data-intensive colloquia.

- There’s no assurance that a departing STAT faculty member will be replaced with a statistician. The loss of several STAT-associated members would have a detrimental effect on the Program, as their research/teaching activities are critical for the Program’s continued success.

4. Quality Improvements Planned

- The Dean of the Graduate College will add additional STAT TAs and help coordinate with home departments when a GIDP faculty member leaves UA.

5. Program Fees – NA

6. Low Productive Degree Programs

Statistics: Doctor of Philosophy – 3 completions in the past 3 years. Low productivity in GIDPs is not an ABOR consideration since the GIDP faculty members are only volunteers from their regular departments. However, given current student progress and recent enrollment growth, the program should exceed ABOR standards before the next APR.

7. High Level Information

- Enrollments by Program Level
  - Baccalaureate – NA
  - Master of Science in Statistics: 14
  - Doctor of Philosophy in Statistics: 18

- Graduation by Program Level
  - Baccalaureate – NA
  - Master of Science in Statistics: 6
  - Doctor of Philosophy in Statistics: 2

- State Funded Personnel by FTE
  - Faculty – NA
  - Staff – NA
  - Grad Assistants – NA
## Statistics Graduate Interdisciplinary Program

### Graduate College

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2015-16 ACADEMIC PROGRAM REVIEW REPORT

Unit for Review: University of Arizona South Branch Campus (UAS)
College/School: N/A
University: The University of Arizona

1. **Scope of the Program Review**: programs unique to UAS
   - **Applied Science**: Bachelor of Applied Science
   - **Commerce**: Bachelor of Science
   - **Elementary Education**: Bachelor of Science
   - **Educational Technology**: Master of Science
   - **Government and Public Service (established in FY2012)**: Bachelor of Arts
   - **Secondary Education**: Master of Education

2. **Quality Improvements Since Previous APR**: this is the first APR
   - UAS has extended the UA mission to underserved and nontraditional populations: over 45% of students are members of a minority group, many are active or former military, and almost 75% are age 25 or older.
   - Transfer pathways (2+2 programs) have been established with several AZ community colleges, providing a smooth pipeline for baccalaureate degrees.
   - Three UAS programs have been accredited by professional or state agencies: Commerce, Elementary Education, and Secondary Education.
   - The Instructional Design/Technology Graduate Certificate was developed as a fully online program to train teachers on utilizing new technologies in the classroom.
   - As a member of ServiceMembers Opportunity Colleges, UAS has an academic advisor at Ft. Huachuca to oversee agreements with active-duty members, spouses and dependents to ensure the transferability of credits and completion of degrees.

3. **Outcomes of the Most Recent APR**
   **Strengths**:
   - Faculty and student services staff demonstrate enthusiasm and commitment to the academic success of their students.
   - The faculty in diverse disciplines is cohesive and collaborative at all levels/ ranks.
   - To serve its dispersed population, UAS offers dozens of courses by interactive TV video conferencing, many fully online courses, and small in-person classes once per week in late afternoon/evening at ten locations in southern AZ.
   - The Bachelor of Applied Science has the flexibility to respond to community educational needs, as new subplans can be developed/ approved relatively quickly.
   - Projects funded by the UAS Foundation, such as enhanced facilities and student scholarships, are evidence of community support.

**Concerns/Recommendations:**
UAS lacks a clear vision and consistently implemented mission statement to drive programming and strategic decision making. The faculty, in collaboration with UA administration, should develop a mission statement in support of its vision, as well as a strategic plan to meet the needs of its southern AZ population base. Once a core mission is clearly stated, the majors and related programs need to be reviewed to ensure that they advance its mission. Data collected from an environmental scan could be used to examine the growth potential of current programs, along with their value within the region. The strategic plan should guide programmatic decisions.

There is little evidence of faculty integration with main campus departments. UAS tenure-track members should participate in UA department activities and meetings in person or via distance technology.

There seems to be a lack of consistency between UA and UAS shared programs with respect to learning outcomes and assessment plans. Shared programs should be administered collaboratively so there will be common learning outcomes and assessment measures. Responsibility for this curricular/instructional collaboration rests with faculty members on both campuses to coordinate expected learning outcomes for common programs. UAS is only beginning to do assessment of student learning outcomes.

Instruction/program delivery is inefficient with too many under-enrolled classes offered on a regular basis.

One permanent faculty member often is responsible for sustaining a single program. This is inadequate. Based on this and low enrollment in several programs, UAS may be offering too many majors. Shared programs with low or declining enrollments at UAS should be discontinued. However, UAS should consider the feasibility of offering the Bachelor of General Studies or a Liberal Arts Degree with different options. This would allow UAS to meet the needs of more students and would be cost-effective since fewer courses would be required.

Communication is limited between UAS and UA and internally among UAS locations.

Assessment of unique programs and student learning outcomes has just begun. UAS faculty should work with the Office of Instruction/Assessment to develop learning outcomes and assessment strategies that fit the particular context of UAS.

4. Quality Improvements Planned

- Significant follow-up review of UAS practices, programs, and administration are taking place now under the guidance of the Provost and the Senior Vice President for Student Affairs/Senior Vice Provost for Academic Initiatives and Student Success. A major reorganization of UAS, streamlining of academic programs, and evaluation of administrative personnel is underway following information learned through the APR. A strategic redirection of UAS structure and function is in process.

5. Program Fees – NA

6. Low Productive Degree Programs

**Government and Public Service: Bachelor of Arts** – 11 completions in the past 3 years. Given current enrollment growth, the Program is expected to meet ABOR standards within the allowable 6-year period.

7. High Level Information

- **Enrollments by Program Level**
  - Bachelor of Applied Science in: [143]
    - Administration of Justice: 9
    - Early Childhood Education: 9
    - Human Services: 28
    - Informatics: 12
    - Intelligence Studies: 13
    - Meteorology: 7
• Network Administration: 45
  • Organizational Leadership: 20
  • Supervision: NA
  • BS in Commerce: 29
  • BS in Computer Science: 5
  • BS in Elementary Education: 71
  • BS in Family Studies & Human Development: 8
  • BS in Mathematics: 7
  • BA in Anthropology: 4
  • BA in Education: NA
  • BA in English: 15
  • BA in Government and Public Service: 20
  • BA in History: 16
  • BA in Latin American Studies: 1
  • BA in Political Science: 0
  • BA in Psychology: 66
  • BS in Psychology: 11
  • Interdisciplinary Studies: 1

  o Masters:
    • MS in Educational Technology: 29
    • Master of Education in Secondary Education: 32

  o Doctorate – NA

• Graduation by Program Level
  • Baccalaureate
    • Bachelor of Applied Science in: [30]
      • Administration of Justice: 0
      • Early Childhood Education: 0
      • Human Services: 11
      • Informatics: 3
      • Intelligence Studies: 4
      • Meteorology: 0
      • Network Administration: 10
      • Organizational Leadership: 2
      • Supervision: 0

    • BS in Commerce: 20
    • BS in Computer Science:
    • BS in Elementary Education: 31
    • BS in Family Studies & Human Development:
    • BS in Mathematics:
    • BA in Anthropology:
    • BA in English:
    • BA in Government and Public Service: 7
    • BA in History:
    • BA in Latin American Studies:
    • BA in Psychology:
    • BS in Psychology:
    • Interdisciplinary Studies:

  o Masters:
    • MS in Educational Technology: 13
    • Master of Education in Secondary Education: 19

  o Doctorate – NA

• State Funded Personnel by FTE
  • Faculty: 41.52
  • Staff: 39.3
- Grad Assistants: 0.5
### UNIVERSITY OF ARIZONA SOUTH BRANCH CAMPUS

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#### Student Majors Headcount (Fall)

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- Baccalaureate (BA): 0, 0, 1, 3, 4, 4, 4
- Baccalaureate (BS): 0, 0, 0, 0, 2, NA

#### Applied Science
- Bachelor of Applied Science: 19, 28, 36, 82, 126, 141, 143
- Subplans: Administration of Justice: NA, NA, NA, NA, NA, 0, 9
- Early Childhood Education: NA, NA, NA, 1, 8, 9
- Human Services: 0, 5, 9, 26, 31, 35, 28
- Informatics: NA, NA, NA, NA, 1, 8, 12
- Intelligence Studies: NA, NA, NA, 8, 19, 17, 13
- Meteorology: NA, 0, 1, 3, 8, 13, 7
- Network Administration: 16, 16, 14, 31, 49, 45, 45
- Organizational Leadership: NA, NA, 0, 1, 4, 12, 20
- Supervision: 3, 7, 12, 12, 11, 3, NA

#### Commerce
- Baccalaureate: 25, 36, 43, 39, 31, 38, 29

#### Computer Science
- Baccalaureate: 0, 0, 4, 8, 6, 6, 5

#### Educational Technology
- Masters: 20, 28, 25, 28, 33, 35, 29

#### Elementary Education
- Baccalaureate (BAED): 0, 0, 0, 1, NA, NA, NA
- Baccalaureate (BS): 89, 84, 86, 89, 103, 76, 71

#### English
- Baccalaureate: 0, 0, 13, 16, 12, 16, 15

#### Family Studies & Human Development
- Baccalaureate: 0, 0, 8, 6, 6, 6, 8

#### Government & Public Service
- Baccalaureate: NA, NA, NA, NA, 6, 20, 20

#### History
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#### Interdisciplinary Studies
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#### Latin American Studies
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#### Mathematics
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- Baccalaureate (BS): 0, 0, 8, 10, 5, 9, 7

#### Political Science
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#### Psychology
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- Baccalaureate (BS): 0, 0, 19, 6, 9, 15, 11

#### Secondary Education
- Masters: NA, 34, 25, 24, 29, 29, 32

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#### Total Degree Seeking Students
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<td>Professional FTE</td>
<td>5.04</td>
<td>10.75</td>
<td>9.75</td>
<td>14.75</td>
<td>15.65</td>
<td>15.65</td>
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<tr>
<td>Staff FTE</td>
<td>26.97</td>
<td>23.05</td>
<td>26.31</td>
<td>23.40</td>
<td>23.65</td>
<td>23.65</td>
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<td>Graduate Assistant FTE</td>
<td>1.75</td>
<td>1.25</td>
<td>0.50</td>
<td>1.50</td>
<td>0.50</td>
<td>0.50</td>
<td></td>
<td></td>
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<tr>
<td>Total State Funds Personnel</td>
<td>missing data</td>
<td>missing data</td>
<td>67.05</td>
<td>70.03</td>
<td>74.01</td>
<td>74.87</td>
<td>81.32</td>
<td>81.32</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

Item Name: Proposed Revisions to ABOR Policy 4-203, “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes,” Related to Participants in the AmeriCorps and Volunteers in Service to America Programs (Second Reading)

☐ Action Item  
☐ Committee Recommendation to Full Board  
☐ First Read of Proposed Policy Change  
☐ Information or Discussion Item

Issue: The board office asks the board to approve the proposed revisions to ABOR Policy 4-203, “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes.” The revisions to ABOR Policy 4-203 will make the policy consistent with recent legislative amendments to A.R.S. § 15-1802 related to participants in the AmeriCorps and Volunteers in Service to America Programs.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning  
☐ Advance Educational Attainment within Arizona  
☐ Create New Knowledge  
☐ Impact Arizona  
☒ Compliance  
☐ Real property purchase/sale/lease  
☐ Other:

Statutory/Policy Requirements

The board is responsible for setting resident and non-resident tuition rates. (A.R.S. § 15-1626).

An individual’s residency classification is determined based on state law and board policy. (A.R.S. § 15-1802; ABOR Policy 4-203).

Background/History of Previous Board Action

The Legislature enacted House Bill 2547 during its last legislative session. HB 2547 amends A.R.S. § 15-1802 to allow individuals who have participated in the AmeriCorps

Contact Information:
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Program or the Volunteers in Service to America Program in Arizona for at least one year to be classified as in-state students for purposes of university tuition. The legislation became effective on August 6, 2016. The proposed revisions to ABOR Policy 4-203(C) are shown on page 7 and are intended to make this policy consistent with HB 2547.

At its June 2016 meeting, the board reviewed the proposed revisions on first reading and approved the revisions as an emergency measure, which became effective immediately with implementation beginning in the fall of 2016. The board office is asking the board to make the revisions permanent by approving this item.

**Committee Review and Recommendation**

The Academic and Student Affairs Committee reviewed this item at its June 8, 2016 meeting and recommended forwarding the item to the full board for approval and implementation as an emergency measure.

**Requested Action**

The board office asks the board to approve the proposed revisions to ABOR Policy 4-203, “Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes.” The revisions will make the policy consistent with recent legislative amendments to A.R.S. § 15-1802 related to participants in the AmeriCorps and Volunteers in Service to America Programs.
4-203 Requirements to be Considered in Determining an Individual’s Residency Classification for Tuition Purposes

... 

C. Subject to ABOR Policy 4-102, residency can also be established by qualifying under one of the following categories.

1. The individual is domiciled in Arizona and:
   a. The domicile of one or both of the individual's parents is in Arizona and
   b. One or both of the individual’s parents are entitled to claim the individual as a dependent child for federal state tax purposes (whether or not the parent actually claims the individual as a dependent child).

2. The individual is domiciled in Arizona and
   a. The individual’s spouse has established domicile in Arizona for at least 12 months immediately preceding the last day of registration and the spouse has demonstrated financial independence,
   b. The individual’s spouse is entitled to claim the individual as an exemption for federal and state tax purposes, and
   c. The individual has provided objective evidence of the spouse’s Arizona domicile and financial independence and is entitled to claim the individual as an exemption for income tax purposes.

3. The individual is domiciled in Arizona and is:
   a. Employed by an employer which transferred the individual to Arizona for employment purposes, or
   b. The spouse of such an employee, or
   c. An employee of an Arizona employer who is taking not more than six credit hours solely through electronic course
delivery at employer-sanctioned sites in Arizona, when the employer is required to pay additional site fees or transmission costs and

d. "Transfer" means an individual who was transferred by his or her employer fewer than 12 months prior to the term in question, is not self-employed or employed in a family-owned business not previously operating in Arizona, and can provide proof of payment or reimbursement of moving expenses by his/her employer.

4. The individual is domiciled in Arizona and an employee of a public school district in Arizona and is under contract to teach on a full-time basis, or is employed as a full-time noncertified classroom aide at a public school within that school district. For purposes of this paragraph, the individual is eligible to pay in-state tuition only for courses necessary to complete the requirements for certification by the State Board of Education to teach in a public school district in Arizona. No member of the individual’s family is eligible for classification as an in-state student pursuant to this paragraph, although they may qualify under other exceptions.

The universities:

a. Shall establish uniform procedures to determine whether courses taken by a teacher or classroom aide qualify under this section.

b. Shall consider charter schools as public schools consistent with Arizona statutes.

c. May apply this section to teachers and classroom aides from private schools where those private schools require that teachers hold Arizona teacher certification.

5. The individual is a member of the armed forces of the United States stationed in Arizona pursuant to military orders or is the spouse or dependent child of that individual who is a member of the armed forces of the United States stationed in Arizona pursuant to military orders at the time the spouse or dependent child is accepted for admission.
6. The individual is a member of the armed forces of the United States stationed outside of Arizona pursuant to military orders or is the spouse or dependent child of that individual and the individual claimed Arizona as their legal residence for at least twelve consecutive months prior to the last date of registration. The individual claiming residency status under this provision is required to:

a. provide a copy of the military form DD-2058 which verifies his or her state of legal residence; and

b. if applicable, provide evidence of having filed an Arizona Resident Income Tax Return with the Arizona Department of Revenue for the prior tax year on all income from all sources.

7. The individual meets one of the following:

a. The individual holds an honorable discharge from the uniformed services of the United States from either active duty or reserve or National Guard status, or has retired from active duty or reserve or National Guard status. Such individual shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this subsection, includes at least one of the following:

i. Registration to vote in Arizona.
ii. An Arizona driver license.
iii. Arizona motor vehicle registration.
iv. Employment history in Arizona.
v. Transfer of major banking services to Arizona.
vi. Change of permanent address on all pertinent records.
vii. Other materials of whatever kind or source relevant to domicile or residency status.

b. The individual, while using educational assistance under 38 United States Code chapter 30 or chapter 33, enrolls in a university under the jurisdiction of the Arizona Board of
EXECUTIVE SUMMARY

Regents within three years after the veteran's discharge from active duty service of ninety or more days or within three years after the service member's death in the line of duty following a period of active duty service of ninety or more days or remains continuously enrolled beyond the three-year period following the discharge of the veteran or the service member's death. Such individual shall be granted immediate classification as an in-state student and does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this subsection, includes at least one of the following:

i. Registration to vote in Arizona.
ii. An Arizona driver license.
iii. Arizona motor vehicle registration.
iv. Employment history in Arizona.
v. Transfer of major banking services in Arizona.
vii. Change of permanent address on all pertinent records.
ivii. Other materials of whatever kind or source relevant to domicile or residency status.

8. Subject to the requirements of ABOR Policy 4-102:
   a. The individual is an enrolled member of an Indian tribe recognized by the United States Department of Interior whose reservation land lies wholly or partially in Arizona and extends into another state and is a resident of the reservation.
   b. For purposes of residency classification, enrollment as a tribal member in a federally recognized Arizona tribe will be sufficient to establish residency for tuition purposes.

9. The individual is domiciled within 75 miles of the Arizona border in Clark County, Nevada or Washington or Kane Counties, Utah, or in San Bernardino, Imperial, or Riverside Counties in California, including the cities of Needles, Blythe, El Centro, Brawley, and Winter Haven, and is enrolling in a total of no more than 6 credit hours per semester offered in Mohave, La Paz, or Yuma Counties, Arizona by a university under the jurisdiction of the Arizona Board of Regents; or the individual is domiciled within 75 miles of the
Arizona border in Grant, Hidalgo, or Luna Counties in New Mexico and is enrolling in a total of no more than 6 credit hours per semester offered in Cochise County, Arizona by a university under the jurisdiction of the Arizona Board of Regents. This program is designed to reduce excess capacity; therefore, the Presidents of the universities shall assure that classifying the individual as a resident in their respective programs do not result in denying course offerings to Arizona residents or result in additional expenditures being required for course offerings.

10. The individual is a doctoral graduate student who is a candidate for a degree, having completed all requirements for the degree except the dissertation, and who qualified as a resident student immediately prior to being eligible to begin his or her dissertation.

11. The individual is a graduate assistant or graduate associate at a university under the jurisdiction of the Arizona Board of Regents whose assigned teaching or research responsibilities meet the guidelines established by the university for designation as a resident student.

12. THE INDIVIDUAL HAS PARTICIPATED IN THE AMERICORPS PROGRAM OR THE VOLUNTEERS IN SERVICE TO AMERICA PROGRAM FOR AT LEAST ONE YEAR IN ARIZONA.
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Item Name: Proposed Revisions to ABOR Policy 2-224, “Academic Credit,” Related to Awarding Academic Credit for Military Service (Second Reading)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office asks the board to approve the proposed revisions to ABOR Policy 2-224, “Academic Credit.” The revisions align the policy with recent state legislation that established A.R.S. § 15-1897 related to college credit for military service.

Enterprise or University Strategic Plan

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements

ARS § 15-1897 requires the board to develop policy requiring the universities to award academic credit for certain active of former military members based on length of service and skills, knowledge and competencies acquired during service.

Background/History of Previous Board Action

- The State Legislature passed Senate Bill 1267, military service; postsecondary academic credit, during the 2016 legislative session, and the governor signed the bill on May 18, 2016. The legislation becomes effective August 6, 2016.

- The bill established Title 15, Chapter 14, Article 12, comprised of A.R.S. § 15-1897.

Contact Information:
Kody Kelleher, Kody.Kelleher@azregents.edu 602.229.2509
EXECUTIVE SUMMARY

- The statute requires the board to develop policy requiring the universities to award academic credit for certain active or former military members based on length of service and skills, knowledge and competencies acquired during service.

- The board voted to support SB 1267 during the legislative session.

- The board reviewed this item on first reading at its June 2016 meeting.

Discussion

- All three public universities currently award academic credit for military service.

Committee Review and Recommendation

The Academic and Student Affairs Committee reviewed this item at its June 8, 2016 meeting and recommended forwarding the item to the full board for first reading.

Requested Action

The board office asks the board to approve the proposed revisions to ABOR Policy 2-224, “Academic Credit.” The revisions align the policy with recent state legislation that established A.R.S. § 15-1897 related to college credit for military service.
2-224 Academic Credit

A. Definition of a Unit of Credit

An hour of work is the equivalent of 50 minutes of classtime (often called a "contact hour") or 60 minutes of independent study work. A minimum of 45 hours of work by each student is required for each unit of credit. Ordinarily, a course must cover a 1-week period for every unit of credit given. During summer sessions, however, 6 units of credit may be given over a 5-week period.

1. At least 15 contact hours of recitation, lecture, discussion, testing or evaluation, seminar, or colloquium, as well as a minimum of 30 hours of student homework is required for each unit of credit;

2. Workshops must involve a minimum of 45 hours for each unit of credit, including a minimum of 15 contact hours, with the balance of the requirement in homework;

3. Studios must involve at least 30 contact hours and at least 15 hours of homework for each unit of credit;

4. Laboratory courses require a minimum of 45 contact hours per unit of credit;

5. Field trips will be counted hour-for-hour as laboratory meetings;

6. Each unit of internship or practicum must require a minimum of 45 clock hours of work; and

7. Music instruction and specialized types of music performance offerings must conform to the requirement for accreditation of the National Association of Schools of Music.

8. Off-campus courses, regardless of mode of delivery, may be assigned credit based on competencies or learning outcomes that are acquired through coursework and are equivalent to those of students in a traditional classroom setting. An equivalent of 45 hours of work by each student is required for each unit of credit.
B. Credit for Courses Developed Under Contract

Universities may contract with outside agencies for the development and/or delivery of training programs to agency employees. The normal contract provides reimbursement to the university for the cost incurred in the development and/or delivery of these courses to the employees of these contracting agencies. While many of the courses may be specifically tailored to the needs of the agency and delivered in a format different from that appropriate for credit course offerings, there may be circumstances under which courses developed in this way will be of such quality that students who successfully complete them may be awarded academic credit by a university. The following are guidelines for the awarding of credit in courses developed under contract to outside agencies.

1. The decision to award academic credit for a course developed under contract and the securing of approvals to award such credit must follow the same procedures as those for any other course developed in the university. The same approvals by curriculum and other committees in the university and from the Arizona Board of Regents are required as those for any other course.

2. A university cannot teach a course developed under contract with an outside agency using the title and number of a course which already exists in the university catalog.

3. A course developed under contract may not be offered for credit under "house numbers," in more than 2 semesters. Afterward, the course must be subjected to university curriculum procedures applicable to new courses.

4. When a course is to be delivered under contract to an outside agency, the negotiations by the university for the delivery price should include the consideration of whether employees of the agency may receive credit for the course. If the university and the agency agree that agency employees may receive credit for the course, the cost of record keeping for these students, and any other costs specifically identified with the awarding of academic credit, must be included in the contract. Students who would not be charged for a university course because they are employees of an agency under contract with the university for delivery of the course cannot be charged extra for the course if they wish to receive credit for it.
5. The awarding of credit and assignment of grades for courses developed and/or offered under contract will be conducted in precisely the same way as for any other course offered by the university. The integrity of the academic processes shall not be compromised by the contractual origin or the nature of the course delivery mechanism.

C. CREDIT FOR FORMER OR CURRENT MILITARY MEMBERS

PURSUANT TO A.R.S. § 15-1897, UNIVERSITIES SHALL AWARD ACADEMIC CREDIT THAT MAY BE USED TOWARD THE PURSUIT OF A BACCALAUREATE DEGREE TO A PERSON WHO IS CURRENTLY SERVING OR WHO HAS SERVED IN THE UNITED STATES AIR FORCE, ARMY, NAVY, MARINE CORPS OR COAST GUARD, NATIONAL GUARD OR A RESERVE UNIT OF ANY OF THESE BRANCHES OF THE UNITED STATES MILITARY, UNLESS THE PERSON WAS DISHONORABLY DISCHARGED. THE NUMBER OF ACADEMIC CREDITS AWARDED IS DETERMINED BY EACH UNIVERSITY, BUT SHALL BE BASED ON BOTH OF THE FOLLOWING CRITERIA:

1. THE PERSON'S LENGTH OF TIME OF ACTIVE DUTY SERVICE IN THE UNITED STATES MILITARY.

2. SKILLS, KNOWLEDGE AND COMPETENCIES THE PERSON ACQUIRED DURING SERVICE IN THE UNITED STATES MILITARY.
EXECUTIVE SUMMARY

Item Name: Proposed Revision to ABOR Policy 2-220 “Awarding of Degrees” (Second Reading)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The board office asks the board to approve a revision to ABOR Policy 2-220 “Awarding of Degrees.”

Enterprise or University Strategic Plan
- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements
ABOR Policy 2-220 “Awarding of Degrees”

A. The universities shall award degrees to candidates who have completed all necessary course and curriculum requirements and other university or Board of Regent requirements. Universities may award the degrees at the conclusion of any university designated academic term.

Background
In light of 21st century innovations in higher education including self-paced and online courses, many students complete degree requirements well before traditional end-of-term dates.

The board reviewed this item on first reading at its June 2016 meeting.

Contact Information:
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James Coleman, Provost, NAU 928-523-2230 james.coleman@nau.edu
Andrew Comrie, Provost, UA 520-626-8121 comrie@email.arizona.edu
Shelley McGrath, ABOR 602-229-2529 shelley.mcgrath@azregents.edu
Discussion
Some jobs or other opportunities require that a degree be formally conferred and posted on the transcript as a pre-requisite to application or certification testing or admission/hire. Under the current policy, students whose programs fall outside of standard semester dates are delayed. Increased flexibility with respect to degree conferral dates would be a great benefit to Arizona graduates.

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its June 8, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action
The board office asks the board to approve a revision to ABOR Policy 2-220 “Awarding of Degrees”.

.
B. ACADEMIC PROGRAMS

2-220 Awarding of Degrees

A. The universities shall award degrees to candidates who have completed all necessary course and curriculum requirements and other university or Board of Regent requirements. Universities may award the A degrees at the conclusion of any university designated academic term OR WHEN THE STUDENT HAS COMPLETED ALL DEGREE REQUIREMENTS.

B. Diplomas issued by the universities shall bear the signatures of the Chair of the Board, the Governor of the State, the President of the University, and as determined by the University, other appropriate University officials, and shall be impressed with the seal of the University awarding the diploma.

C. Facsimile signatures may be used for the names appearing on the diplomas; however, the University shall safeguard the diplomas to protect against the possible distribution to unqualified individuals.

D. The Universities may award honorary degrees in accordance with criteria and procedures developed by each University. Each University shall provide advance notice to the Board and the President of the Board of the names of the individuals who are to receive the degrees.
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EXECUTIVE SUMMARY

Item Name: Addendum to the 2015-2016 Academic Strategic Plan for Northern Arizona University (NAU)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: Northern Arizona University asks the board to approve the proposed addendum to its 2015-2016 Academic Strategic Plan.

Enterprise or University Strategic Plan
☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements
ABOR Policy 2-223 outline the process of requests for new academic programs at the universities in Arizona.

Background
- NAU requests approval for two new programs as described in the attached table.
- NAU requests to dissolve University College, moving its programs into other academic units as described in the attached table

Discussion
Information on the new programs and the dissolution of University College is contained in the attached table.

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action
Northern Arizona University asks the board to approve the proposed addendum to its 2015-2016 Academic Strategic Plan.

Contact Information:
James Coleman, Provost, NAU (928) 523-2230 james.coleman@nau.edu
Shelley McGrath, ABOR (602)229 2529 shelley.mcgrath@azregents.edu
## EXECUTIVE SUMMARY

### Table 1 - Proposed New Academic Programs

<table>
<thead>
<tr>
<th>Name of Proposed Degree (degree type and major)</th>
<th>College/School (location)</th>
<th>Program Fee Required? (Yes or No)</th>
<th>Additional State Funds Required? (Yes or No)</th>
<th>Brief Description/Justification</th>
<th>Projected 3rd Year Enrollment &amp; Implementation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Sciences: Nutrition and Foods, BS</td>
<td>College of Health and Human Services</td>
<td>No</td>
<td>No</td>
<td>Nutrition plays a vital part in health, wellness, disease prevention, and disease management. The BS in Health Sciences: Nutrition and Foods will address unmet needs related to nutrition education within NAU. This degree is aligned with the educational mission of the College of Health and Human Services (CHHS). NAU’s existing programs in Fitness/Wellness and Hotel and Restaurant Management offer collaborative/complementary opportunities to provide a specialized nutrition education experience that does not exist elsewhere in the state. Additionally, this program will include a broader public health approach with a strong emphasis in application within rural, medically underserved, and indigenous populations.</td>
<td>100 students by year 3; Fall 2017 implementation</td>
</tr>
<tr>
<td>Nutrition Sciences/Dietetics, Masters of Public Health</td>
<td>College of Health and Human Services</td>
<td>Yes</td>
<td>No</td>
<td>This master’s degree is a unique expansion of current NAU capacity. The approach will provide a broad public health context within the specific discipline of dietetics. Students will graduate with the ability to sit for the Registered Dietitian Exam and will have a marketable MPH degree. The combinations of these two important and desirable career paths sets the degree apart from existing options. In addition, this program will take a population health perspective that is not found in other programs. NAU will request a program fee for this program.</td>
<td>43 students by year 3. Fall 2018 implementation</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

Table 2 - Proposed Mergers or Elimination of Units

<table>
<thead>
<tr>
<th>Unit</th>
<th>Requested Action</th>
<th>Justification/Brief description of the proposed action</th>
<th>Impact on Current Students (max 50 words)</th>
<th>Expected fiscal impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>University College</td>
<td>Transfer units to other areas and dissolve University College structure</td>
<td>NAU has aggressive goals for student retention and success. We determined these can be best met by realigning programs of University College and realizing administrative efficiencies. Academic success programs, including freshman advising, will move to the Vice Provost for Academic Affairs; programs focused on pedagogical improvement will move to the Vice Provost for Teaching, Learning Design and Assessment. Programs focused on student services, including career services, will move under the Associate Vice President of Enrollment Management and Student Success. The Bachelors of University Studies and the Civic Engagement minor, will move in the College of Social and Behavioral Sciences.</td>
<td>The successful programs formerly housed in University College will continue to support the success and retention of NAU students.</td>
<td>We expect to ultimately reallocate or repurpose approximately $1M into strategic university priorities.</td>
</tr>
</tbody>
</table>
## EXECUTIVE SUMMARY

Attachment C: Request to Establish a New Academic program requiring a Program Fee

<table>
<thead>
<tr>
<th>Program name/Degree:</th>
<th>Nutrition Sciences/Dietetics, Masters of Public Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested by (include University, College, School, etc.)</td>
<td>Northern Arizona University, College of Health and Human Services</td>
</tr>
<tr>
<td>Initial Student Enrollment (indicate per Sem/Yr)</td>
<td>Year 1: 14 students</td>
</tr>
<tr>
<td>Level</td>
<td>Graduate X Undergraduate</td>
</tr>
<tr>
<td>CIP Code</td>
<td>51.3101</td>
</tr>
</tbody>
</table>

**Program Description**

We propose a new master’s in public health focusing on nutrition sciences/dietetics. The approach is innovative in that it will provide a broad public health context within the specific discipline of dietetics. Students will graduate with the ability to sit for the Registered Dietitian Exam and will have a very marketable MPH degree. The combinations of these two important and desirable career paths sets the degree apart from existing options. In addition, this program will take a population health perspective that is not found in other programs. It will also include innovative collaborations with HRM and NAU Athletics that set it apart from traditional nutrition graduate degrees and provide a wider variety of job opportunities for NAU graduates.

**Justification for Program (State/regional need; relationship to institutional and system strategic plans)**

This program will provide a pathway to careers, and will provide a workforce in Arizona in the high demand and growing area of dietetics and nutrition. Additionally, the program will support initiatives to expand research that leads to improvement in health and wellness. With respect to research, potential collaborations on the NAU campus and within Arizona already exist. Public health focused research opportunities in the area of nutrition are an important funding priority for most federal grant agencies. Many such projects require a purposeful nutrition component in the RFP. Through recruitment of high quality faculty to support this program with skill and research capacity in nutrition, NAU will expand its ability to respond to large collaborative federally funded projects. Separate from this proposal, space has been allocated and equipment either already exists or being sought to establish a Nutrition Assessment Laboratory at NAU that would support this program.
**EXECUTIVE SUMMARY**

with multiple capabilities to include, but not limited to: bone densitometry, body composition assessment, indirect calorimetry (RMR), and various biochemical blood markers. This proposal will enhance this research resource project already underway at NAU.

<table>
<thead>
<tr>
<th>Projected Student Demand</th>
<th>5-year projected annual enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>14</td>
</tr>
<tr>
<td>Year 2</td>
<td>33</td>
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<tr>
<td>Year 3</td>
<td>43</td>
</tr>
<tr>
<td>Year 4</td>
<td>54</td>
</tr>
<tr>
<td>Year 5</td>
<td>58</td>
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</tbody>
</table>
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EXECUTIVE SUMMARY

Item Name: Addendum to the 2016-2017 Academic Strategic Plan for Arizona State University (ASU)

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: Arizona State University asks the board to approve the proposed addendum to its 2016-2017 Academic Strategic Plan.

Enterprise or University Strategic Plan
- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements
ABOR Policy 2-223 outline the process of requests for new academic programs at the universities in Arizona.

Background
At the November 2015 ABOR meeting, the board approved Arizona State University’s academic plan for 2016-2017. As provided in the board policy, Academic Strategic Plans may be modified during the year with the approval of the Academic Affairs Committee.

Discussion
Arizona State University seeks approval to:

- Establish the School of Civic and Economic Thought and Leadership which will advance:
  - understanding of moral and political thought

Contact Information:
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EXECUTIVE SUMMARY

- economic principles in a free society
- leadership in both theory and practice.

New appropriations have been allocated for the school

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action
Arizona State University asks the board to approve the proposed addendum to its 2016-2017 Academic Strategic Plan.
### Arizona State University
#### ACADEMIC ORGANIZATIONAL UNITS

**Table 1 - Proposed New Academic Units**

| Proposed Unit                                      | Level (College, School, or Department) | Location (College, School, etc. where it will be located) | Brief Description/ Effective Date                                                                 | Justification/need                                                                 | New Resources, if any, and Source*  
|---------------------------------------------------|----------------------------------------|----------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------
| School of Civic and Economic Thought and Leadership | School                                 | College of Liberal Arts and Sciences (Tempe)             | The faculty in the school will offer undergraduate and graduate degree programs; conduct research that advances knowledge on topics related to civics, economic thought and leadership; and provide service to professional organizations and local, regional and national communities | The School of Civic and Economic Thought and Leadership will advance the understanding of moral and political thought, economic principles in a free society, and leadership in both theory and practice. | New appropriations have been allocated. |

*Justification/need and New Resources, if any, may vary.**
<table>
<thead>
<tr>
<th>Unit</th>
<th>Name of Proposed Degree (degree type and major)</th>
<th>New Program Fee Required?</th>
<th>Additional State Funds Required?</th>
<th>Justification/Brief Description of the proposed action</th>
<th>Projected 3rd Year Enrollment &amp; Implementation Date</th>
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<tr>
<td>School of Civic and Economic Thought and Leadership</td>
<td>Bachelor of Science in Civic and Economic Thought and Leadership</td>
<td>No</td>
<td>No</td>
<td>The BS in Civic and Economic Thought and Leadership will offer students a quantitative basis for understanding moral and political thought, economic principles in a free society, and leadership in both theory and practice.</td>
<td>50 Fall 2017</td>
</tr>
<tr>
<td>School of Civic and Economic Thought and Leadership</td>
<td>Bachelor of Arts in Civic and Economic Thought and Leadership</td>
<td>No</td>
<td>No</td>
<td>The BA in Civic and Economic Thought and Leadership will offer students a humanities-based education in moral and political thought, economic principles in a free society, and leadership in both theory and practice.</td>
<td>50 Fall 2017</td>
</tr>
</tbody>
</table>
# EXECUTIVE SUMMARY

**Item Name:** College Credit by Examination Incentive Program

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

**Issue:** The board office asks the board to approve the list of proposed subjects that high school teachers may teach to be eligible for the teacher incentive bonuses pursuant to A.R.S. §15-249.06 and to approve additions to or deletions from the list annually.

## Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

## Statutory/Policy Requirements

A.R.S. 15-249.06, College credit by examination incentive program; incentive bonuses; report; program termination, the Arizona Board of Regents (ABOR) is charged with providing a list of credit by examination subjects that Arizona high school teachers may teach in order to be eligible for the inventive bonuses.

ABOR maintains the list of qualifying exams and passing scores for college credit. ABOR submits the list to the Department of Education and the Joint Legislative Budget Committee by September 1st beginning in 2017-2018.

## Background

The Honorable Governor Ducey has initiated an incentive program for high school teachers that was approved by the House and Senate, and the recent statute requires the Board to provide a list of approved subjects that high school teachers may teach in order to be eligible for incentive bonuses.

## Discussion

- A.R.S. 15-249.06 requires that ABOR “shall maintain a list of qualifying examinations that a high school student may take in order to receive college credit in mathematics, English language arts or science from any university under

## Contact Information:

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the jurisdiction of the Arizona board of regents and the passing scores required on those examinations in order to receive college credit.”

- Shelley McGrath, Vice President of Academic and Student Affairs with ABOR and Kelly Robles, Executive Director of AZTransfer coordinated with the AZTransfer Steering Committee and University Provosts to compose a list of subjects/courses that encompass the curricular requirement of mathematics, English language arts, and science as well as the recommended passing scores by faculty at each of the universities (see Addendum 2).

- Each year ABOR will review any new courses and passing scores that the universities accept to determine if those should be added to the list and also to consider university recommendations to delete courses from the list if faculty find that changes to the exams do not meet the academic rigor expected by the universities.

Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action
The board office asks the board to approve the list of proposed subjects that high school teachers may teach to be eligible for the teacher incentive bonuses pursuant to A.R.S. 15-249.06 and to approve additions to or deletions from the list annually.
# Credit by Exam List for Incentive Program

<table>
<thead>
<tr>
<th>Exam Type</th>
<th>Course and Exam Name</th>
<th>ASU cut score</th>
<th>NAU cut score</th>
<th>UA cut score</th>
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<tbody>
<tr>
<td>Advanced Placement (AP)</td>
<td>Computer Science A</td>
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<td>Biology</td>
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<td>Advanced Placement (AP)</td>
<td>Calculus AB</td>
<td>Exam score 3</td>
<td>Exam score 3</td>
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</tr>
<tr>
<td>Advanced Placement (AP)</td>
<td>Calculus BC</td>
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<td>Advanced Placement (AP)</td>
<td>Chemistry</td>
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<td>Advanced Placement (AP)</td>
<td>English Language and Composition</td>
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<td>Advanced Placement (AP)</td>
<td>English Literature</td>
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<tr>
<td>Advanced Placement (AP)</td>
<td>Physics 2 E &amp; M Only</td>
<td>Exam score 4</td>
<td>Exam score 4</td>
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<tr>
<td>Advanced Placement (AP)</td>
<td>Physics C</td>
<td>Exam score 3</td>
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</tr>
<tr>
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<td>Statistics</td>
<td>Exam score 3</td>
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<td>Exam score 3</td>
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<tr>
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<td>English Language-A Level</td>
<td>Exam score E</td>
<td>Exam score E</td>
<td>Exam score E</td>
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<td>Cambridge International Exam (CIE)</td>
<td>Biology-A Level</td>
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<tr>
<td>Cambridge International Exam (CIE)</td>
<td>Biology-AS Level</td>
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<td>Cambridge International Exam (CIE)</td>
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<td>Cambridge International Exam (CIE)</td>
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<td>Mathematics-A Level</td>
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<td>Cambridge International Exam (CIE)</td>
<td>Mathematics-Further-A Level</td>
<td>Exam score E</td>
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<tr>
<td>International Baccalaureate (IB)</td>
<td>Chemistry</td>
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<tr>
<td>International Baccalaureate (IB)</td>
<td>Physics</td>
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<td>Exam score 5</td>
<td>Exam score 5</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

Item Name: Proposed Revisions to ABOR Policy 4-323 “Tuition Waiver Scholarships and Institutionally Supported Financial Aid Programs – Student Financial Aid” (First Reading)

☐ Action Item
☐ Committee Recommendation to Full Board
☒ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office asks the board to review on first reading proposed revisions to ABOR Policy 4-323 regarding waivers of graduate tuition for Purple Heart recipients and medically discharged members of the Arizona National Guard.

Enterprise or University Strategic Plan
(Check the element(s) of the strategic plan that this item supports or advances)

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☒ Compliance
☐ Real property purchase/sale/lease
☐ Other:

Statutory/Policy Requirements
A.R.S. § 15-1626(A)(5) “General Administrative Powers and Duties of the Board”

A.R.S. § 15-1808(C) “Tuition Waiver for Disabled National Guard Members”

Background/History of Previous Board Action
- A.R.S. § 15-1808(C) provides for a tuition waiver for Purple Heart recipients and medically discharged members of the Arizona National Guard. Unlike some other statutory tuition waivers, this waiver is not limited to undergraduate tuition.

Discussion
- The proposed revision to ABOR Policy 4-323 clarifies that the tuition waiver for Purple Heart recipients and medically discharged members of the Arizona National Guard applies to undergraduate and graduate tuition.

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Committee Review and Recommendation
The Academic and Student Affairs Committee reviewed this item at its September 21, 2016 meeting and recommended forwarding to the full board for first reading.

Requested Action
The board office asks the board to review on first reading proposed revisions to ABOR Policy 4-323 regarding tuition waivers for Purple Heart recipients and medically discharged members of the Arizona National Guard.
4-323 Tuition Waiver Scholarships and Institutionally Supported Financial Aid Programs
– Student Financial Aid

A. Institutional Financial Aid

1. The Board will approve institutional funds to be used for financial aid awards as part of the annual financial aid plans.

2. Each university shall establish and administer selection criteria for grants and scholarships to assure fair and equitable access. Criteria for scholarships shall be appropriated to students from public, private, charter, and home schools.

3. Each university shall establish and publicize minimum requirements for the continuation of scholarships and grants.

B. Tuition Waiver Scholarships

1. Tuition Waiver Scholarships for:
   Children and Spouses of Arizona Peace Officers,
   Arizona Fire Fighters,
   Arizona Emergency Paramedics,
   Arizona Military Service Personnel,
   Arizona Correctional Officers, and
   Arizona National Guard Members Killed in the Line of Duty;

   a. This tuition waiver scholarship program entitles eligible students to the lesser of:

   (1) A tuition waiver scholarship for credit hours that are necessary to obtain a baccalaureate degree; or

   (2) A tuition waiver scholarship for 144 credit hours toward a baccalaureate degree including any waived transfer credits from an Arizona Community College or university.

   b. In accordance with the state law, the Arizona Board of Regents authorizes each university to award these tuition waiver scholarships for sessions occurring within a calendar year to students who meet the following criteria:
(1) The student meets the university’s regular admission requirements;

(2) The student maintains a record of satisfactory academic progress in accordance with each university’s standards;

(3) Students eligible for the program due to their status as a child of an individual must be 30 years of age or younger on the first day of any semester to which the scholarship would apply;

(4) Students eligible for the program due to their status as a spouse of an individual may not have remarried;

(5) The eligibility of the student must be verified by the appropriate entity:

(a) The eligibility of a student to participate as a child or spouse of an Arizona Peace Officer, Arizona Fire Fighter, Arizona Emergency Paramedic, or Arizona Correctional Officer (as defined in A.R.S. §15-1808(D)(4)) killed in the line of duty must be verified by the Arizona Peace Officers Memorial Board, the Arizona Fire Fighters and Emergency Paramedics Memorial Board, or the appropriate correctional official in the relevant state agency, county, city or town.

(b) The eligibility of a student to participate as a child or spouse of Arizona military service personnel killed in the line of duty in response to a Presidential Executive Order, and for severely disabled combat survivors, must be verified by the U.S. Department of Defense or either the Federal or State Department of Veteran Affairs;

(c) The eligibility of a student to participate as a child or spouse of an Arizona National Guard member killed in the line of duty must be
2. An Arizona National Guard Member who received a purple heart on or after September 11, 2001; and former members of the Arizona National Guard who were medically discharged from the Arizona National Guard due to an injury or disability suffered during status under Title 10, United States Code, in weekend training status, in annual training status or in response to a state of emergency declared by the Governor, as specified by A.R.S. §15-1808.

   a. The Tuition Waiver Scholarship Program for the Arizona National Guard recipient of a purple heart or the disabled Arizona National Guard member entitles a student to the lesser of:

      (1) A tuition waiver scholarships for credit hours that are necessary to obtain a baccalaureate degree; or

      (2) A tuition waiver scholarship for 144 credit hours toward a baccalaureate degree including any waived transfer credits from an Arizona Community College or University.

A.b. In accordance with the State law, the Arizona Board of Regents authorizes each university to award these tuition waiver scholarships for sessions occurring within a calendar year to students who meet the following criteria:

      (3) The student meets the university’s regular admission requirements;

      (4) The student maintains a record of satisfactory academic progress in accordance with each university’s standards;

      (5) The eligibility of the student must be verified by the Adjutant General of the National Guard.

3. Arizona military service personnel who received a purple heart citation as specified by A.R.S. §15-1808.

   a. In accordance with the state law, the Arizona Board of
Regents authorizes each university to award tuition waiver scholarships for sessions occurring within a calendar year to students who meet the following criteria:

(1) The student meets the university’s regular admission requirements;

(2) The student maintains a record of satisfactory academic progress in accordance with each university’s standards;

(3) The student was a resident of the State of Arizona or was stationed in Arizona at the time of the injury that resulted in the purple heart citation, and;

(4) The student had a disability rating as determined by the United States Department of Veterans Affairs of 50% or more; and

(5) The student has never been convicted of a felony.

(6) The eligibility of the student must be verified by the Arizona Department of Veteran’s Services.
EXECUTIVE SUMMARY

Item Name: FY 2018 Annual Personnel Report

- Action Item
- Committee Recommendation to Full Board
- First Read of Proposed Policy Change
- Information or Discussion Item

Issue: The board office asks the board to approve the FY 2018 Annual Personnel Report for the Arizona University System.

Enterprise or University Strategic Plan

- Empower Student Success and Learning
- Advance Educational Attainment within Arizona
- Create New Knowledge
- Impact Arizona
- Compliance
- Real property purchase/sale/lease
- Other:

Statutory/Policy Requirements

- A.R.S.§41-751 – Annual report

Background/History of Previous Board Action

- The Board of Regents along with all other state personnel systems is required by statute to submit an Annual Personnel Report to the Governor and the legislature by September 1st of each year. The report is to include information about employee salary, turnover and overtime pay.

- The Annual Personnel Report was first required 20 years ago when the legislature established the Joint Legislative Study Committee on State Employee Compensation. The committee was charged with studying state employee compensation and related issues, including salary, benefits, employee turnover, various state personnel systems, and comparisons to other major public and private employers. In addition, the committee was charged with recommending to the Governor and legislative leadership a long-term strategy for addressing state employee compensation. The stated legislative intent was that “competitive compensation be established by the end of fiscal year 2002-2003.” This committee was disbanded in 2007, and the legislative time frame and penchant to reach market parity has long since passed.

Contact Information: Gale Tebeau, ABOR 602-229-2522 gale@azregents.edu
EXECUTIVE SUMMARY

- There have been no state-funded salary adjustments for the university system since July 2007 (FY 2008). Consequently, the universities have reallocated funds and used other university-generated revenues to address salary deficiencies and bring salaries to more competitive levels. But in spite of these efforts, the universities still lag behind their peer institutions and relevant markets.

- Each university and the ABOR office compare employee salaries with salaries at peer institutions and in other relevant labor markets.
  - Each university compares its average faculty salaries to the average faculty salaries of its ABOR-approved peer institutions using the latest (Fall 2015) American Association of University Professors (AAUP) data. In addition to salary information, the AAUP survey provides information regarding the value of faculty benefits. This enables comparisons of total compensation, i.e., the combined value of salary and benefits.
  - For all other employee groups (classified and professional staff), the universities and ABOR compare average salaries with average salaries in appropriate labor markets using the most recent, relevant, and available data. Total compensation data is not available for these specific categories of employees. However, employee benefits play an important role in the lives of employees and their families, and have a significant financial and administrative impact on the universities. Employees expect a comprehensive benefits program, and the absence of a program or an inadequate program can seriously hinder the universities ability to attract and keep good personnel.

Strategic Implications

- Arizona’s public universities compete with hundreds of other public and private universities throughout the country to attract and retain talented faculty and staff. Salary competitiveness is a leading factor in determining whether an individual accepts other employment or stays with Arizona’s universities.

- Talented faculty and staff help to achieve the goals outlined in the Board’s strategic plan Impact Arizona, and each of the universities’ strategic plans in driving educational excellence and advancing educational achievement, discovering new knowledge, and impacting Arizona through public service activities. Faculty and staff are vital to the university community and their host communities (locally, statewide, nationally and globally). Not only do they contribute to the health of the state through taxes paid, but university faculty and staff assume leadership roles to make the state a better place through education and research. The universities serve all of Arizona’s citizens, and collaborate with partners from around the state and the world to bring knowledge and discovery home to elevate the quality of lives of Arizonans. All of this begins with recruiting and retaining the best.
EXECUTIVE SUMMARY

Discussion

- Over the past few years, the universities have strategically targeted key market issues which has helped reduced the salary gap in certain positions. But, in spite of these efforts, average faculty salaries remain at or near the bottom compared to each university's peer institutions, and professional and classified staff salaries have not kept up with the market.

  o The UA has lost ground in bringing average faculty salaries to the median of their peers and continues to rank the lowest in average faculty salaries among its peer institutions. Before the recent economic downturn, the UA was virtually on par (within 5% in FY 2008) in average faculty salaries compared to its peers, but has since fallen to 14.9% below their peers.

  o Since NAU ranked at the bottom of its peers for many years, they are making a concerted effort to bring average faculty salaries closer to their respective markets as new faculty are hired. In FY 2010 (Fall 2009), NAU's average faculty salaries were 19 percent below their peers, but recently have made gains, bringing average faculty salaries to 8.6% below their peers. However, in spite of these gains, 12 out of NAU's 15 peer institutions pay higher average salaries than NAU.

  o ASU continues to make progress in bringing average faculty salaries closer to the median of their peers. In FY 2013, average faculty salaries at ASU were 9.3% below its peers. ASU has made significant progress reducing the salary gap to 6.5% below the median of their peers, in FY 2016. However, even with ASU's marked improvement, 13 of the 15 peer institutions pay higher average salaries than ASU.

  o For the three universities average faculty salaries range from $7,000 to $15,100 below their peer median salaries.

- Comparisons of total compensation provide additional insight into the competitiveness of the university system. According to a recent report by the Bureau of Labor Statistics (BLS)\(^1\), benefits as a percent of total compensation for public colleges and universities in the U.S. is approximately 33.0 percent compared to 29.5 percent paid by private industry employers of education and health services (27.5% in the Mountain Region where Arizona is included). But even when total compensation is taken into consideration, the universities’ faculty still ranks at the bottom percentile compared to their peers. For ASU, 12 of the 15 peer institutions have higher average compensation than ASU. For NAU, 9 of the 15 peers have higher average compensation; and for UA, 14 of the 15 peers have higher average compensation.

- Market competitiveness is also a challenge with regard to professional and

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classified staff. While the market continues to move (albeit at a slower rate – from an average 4% in 2006 to about a 2.5%-3.0% annual movement projected in 2016 and 2017), employees enrolled in the Arizona State Retirement System (ASRS) also have seen real reductions in net pay due to increases in the employee contribution rate. Between FY 2003 and FY 2016, the ASRS employee contribution rate has increased from 2% to 11.34%, and is projected to further increase (slightly) through 2020.

- For classified staff, the average salary increases needed to reach market in FY 2018 is projected to be between 12% and 27% at the three universities;

- For professional staff, the average salary increases needed to reach market in FY 2018 is projected to be between 15% and 25% at the universities and ABOR.

- Faculty compensation is an important predictor of retention. Studies have shown that institutions with higher average salaries experience lower faculty turnover rates. There are many reasons for employee turnovers at the universities. Turnovers can be due to retirements, voluntary terminations, involuntary terminations, non-renewals and deaths, with voluntary terminations as the most common.

- Turnover can be extremely disruptive and very costly. Each time an employee leaves, the universities are faced with the advertising, interviewing, and training costs associated with hiring a new employee. In addition, many indirect, difficult-to-quantify costs exist, such as staff members’ time involved in the search process; decreased productivity, loss of quality, and lost work hours when the job is vacant and while the new employee learns the job. Or when a position is left unfilled, it puts additional stresses on existing employees who are already asked to do more with fewer staff resources.

- The cumulative effect of faculty turnover over the past several years is very costly to the universities both in talent and in dollars. In the past 12 months approximately 663 faculty members (approximately 9%) left the Arizona University System. The reasons for faculty leaving are varied, but one of the top reasons is for better career opportunities and higher wages. In addition, for NAU, another top reason is because of the high cost of living in Flagstaff.
EXECUTIVE SUMMARY

- The average turnover rate for all categories of faculty are: ASU (all campuses), 7.8%; NAU, 9.8%; and at the UA (all campuses), 11.4%.

- Average turnover rates for classified staff and professional staff range from 11%-18% at the three universities and ABOR. About one out of every seven classified and professional staff leaves the system each year.

- The cost of turnover is generally estimated at one to two times the salary of a departing employee. While there is no industry standard on turnover rates in higher education, the perceived high turnover rate at the universities is a great concern because of the high cost of training and professional development required for most positions.

Cost Summary

- For FY 2018 an estimated $257.9 million (salaries + ERE) is needed for salary adjustments to enable the universities and system office to catch up with their respective markets.

Committee Review and Recommendation

The Regents Executive Committee reviewed this item at its September 1, 2016 meeting and recommended forwarding the item to the full board for approval.

Requested Action

The board office asks the board to approve the FY 2018 Annual Personnel Report, as presented in this Executive Summary.
Special Points of Interest:

- Projected Unmet Salary Need for FY 2018
- Faculty Salary Compared to Peers
- Faculty Retention
- Staff Salaries
- Staff Turnover
- Overtime Pay in FY 2016

Talented faculty and staff are necessary to achieve the goals presented in ABOR’s Impact Arizona plan. The need to attract and retain the caliber of faculty and staff who are able to successfully meet the challenges of higher education is of utmost importance, and the success of these recruitments and retention efforts is dependent upon the ability to offer competitive salaries.

**FY 2018 PROJECTED UNMET SALARY NEED**

<table>
<thead>
<tr>
<th>Arizona University System</th>
<th>FY 2018 Projected Unmet Salary Need ($ in Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASU</td>
<td>$122,892.7</td>
</tr>
<tr>
<td>NAU</td>
<td>$37,969.6</td>
</tr>
<tr>
<td>UA</td>
<td>$96,402.2</td>
</tr>
<tr>
<td>ABOR</td>
<td>$593.5</td>
</tr>
<tr>
<td>Total</td>
<td>$257,858.0</td>
</tr>
</tbody>
</table>

Unmet salary need is the amount needed to raise average faculty salaries to the median of their peers and to raise other staff salaries to the average in other relevant labor markets. For FY 2018 the projected unmet salary need for the Arizona University System is $257.9 million, an increase of $16.1 million from the current FY 2017 estimate.

University employees’ salaries are projected to remain considerably lower than those at peer institutions and in other relevant markets through 2018. The cost to raise the average salaries of current faculty and staff to the targeted levels will further increase as the market continues to move, impacting Arizona’s universities ability to catch-up and keep-up with salary needs.

**FACULTY SALARIES**

Arizona’s public universities compete with hundreds of other public and private universities throughout the country to attract and retain talented faculty. In spite of quality of life arguments made for Arizona, salary competitiveness is still a leading factor in determining whether an individual accepts other employment or stays with Arizona’s universities. To assess how competitive Arizona’s salaries are compared to the national marketplace, the universities calculate average and median salaries, comparing faculty salaries in Arizona to those at peer institutions. These comparisons include all ranked faculty -- professors, associate professors, and assistant professors. The table on the following page shows the average faculty salary increase needed for the universities to reach average faculty salaries of their peer institutions.
The majority of peer institutions\(^1\) pay higher average salaries to their faculty than Arizona’s three universities pay, demonstrating that Arizona’s standing is still lacking competitiveness. Specifically:

- All three universities’ average faculty salaries rank at or near the bottom of their peers. For ASU, 13 of the 15 peer universities pay higher average salaries; For NAU, 12 of the 15 peer universities pay higher average salaries; and the UA has the lowest average salaries compared to its peer institutions.

- Average faculty salaries range from $7,000 to $15,100 (between 6.5%-15%) below the peer median at the three universities.

When total compensation is calculated, Arizona university faculty still rank at the bottom percentile compared to peer institutions. So, whether looking at salaries or total compensation, the three universities find competing nationally to recruit and retain the best faculty members to be a continual challenge. Individuals who are able to raise the quality and stature of the universities’ programs, can and do command more competitive salaries. Accordingly, Arizona’s universities must have the capacity to meet the salary requirements of these scholars and to pay beyond the median to attract and retain them.

\(^1\) Source: American Association of University Professors (AAUP), Fall 2015 Salary Survey Data

Studies have shown that institutions with higher average salaries experience lower faculty turnover rates.

FACULTY RETENTION

There are many reasons for faculty turnover such as retirement, end of assignment or resignation. Resignations for positions in other organizations is the primary factor for faculty leaving the institution, often receiving much higher salaries and benefits and greater resources for research and program development.

The effects of faculty turnover are often unpredictable and result in the loss of continuity in teaching and research programs, disruptions in graduate and undergraduate advising, and have a negative impact on departmental and institutional management and cohesiveness. Moreover, in many research-intensive disciplines where the start-up package for a new faculty member can often run into the hundreds of thousands of dollars, the lost investment made by the institution can be substantial and can include losses in external funding and grant competitiveness. Additional negative effects are harder to quantify, such as loss in program reputation and faculty morale.

The universities and the communities they serve suffer when faculty leave Arizona. Top scientists and researchers may take millions of dollars in grants and contracts with them when they depart, setting university progress back by years and diminishing the university’s ability to attract additional research funding. Moreover, when the universities’ research efforts are curtailed, the results include significant negative impact to the local, state and regional economies.

Equally important, educators who are leaders in their fields contribute to the quality of the educational experience for the nearly 170,000 students in the Arizona University System.

The cumulative effect of faculty turnover over the past several years is very costly to the universities both in talent and in dollars. There are significant costs associated with recruitment and hiring. In addition to advertising expenses there are direct costs of interviewing and bringing candidates to campus, and the indirect costs of faculty and staff members’ time in the search process. In the past 12 months, approximately 663 (9.4%) faculty members left the Arizona University System.

The chart shows average faculty turnover by university.

The continuing loss of faculty threatens the quality of the educational experience, weakens the universities, undermines programs and research efforts, and negatively affects statewide economies.
FACULTY RETENTION

Although the universities are proactive in retention efforts and bringing new faculty into the institutions, the actions taken also create some negative consequences, such as the reallocation of limited resources for salaries and relying more on part-time faculty and instructional faculty who are not tenured/tenure-track to meet the growth in student population.

A major problem that results from having limited salary dollars when hiring new employees (who often command more competitive rates), is properly addressing salary equity (both in terms of salary compression and salary inversion) in order to retain key faculty.

STAFF SALARIES

Average staff salaries continue to lag market rates. Annual market movement has averaged around 3.0% the past few years, and is expected to continue at the range into 2017.

Employees enrolled in the Arizona State Retirement System have seen their employee contribution rates increase nearly six-fold over the years, from 2% in FY 2003 to 11.34% in FY 2017. These employee contribution rate increases amount to real reductions to an employee’s net pay. The additional costs to fully fund the ASRS continue to erode gains made in salaries.
Although Inflation has remained relatively low, averaging less than 2.0 percent since 2010, the effects of inflation erode the real value of an employee’s salary. Each time prices increase, an employee’s wage loses some of its value. This coupled with increases in the ASRS contribution rate, further reduces from the competitiveness of salaries offered to staff employees at Arizona’s public universities.

The following table reflects the percentage increases required for average staff salaries to reach market at each university and the ABOR office.

<table>
<thead>
<tr>
<th>University</th>
<th>FY17</th>
<th>FY18</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASU</td>
<td>27.6%</td>
<td>11.6%</td>
</tr>
<tr>
<td>NAU</td>
<td>20.0%</td>
<td>21.4%</td>
</tr>
<tr>
<td>UA</td>
<td>24.5%</td>
<td>26.8%</td>
</tr>
<tr>
<td>ABOR</td>
<td>2.4%</td>
<td>3.2%</td>
</tr>
</tbody>
</table>

When staff turnover increases, losing the human resources that are essential to the operation and success of the institutions creates reductions in productivity, the potential for diminished services, and stalls important institutional initiatives.

Each time a staff member leaves, the universities are faced with the advertising, interviewing, and training costs associated with hiring a new employee. The cost of turnover is generally estimated at one to two times the salary of a departing employee. When a position is left unfilled, it puts additional stresses on existing employees, already asked to do more as a result of increased demands and fewer personnel resources, and often at lower than competitive salaries. This cycle can exacerbate turnover and the universities’ ability to attract and retain high quality staff.

A.R.S.§41-763.01 requires the reporting of state-funded overtime pay paid. The majority of overtime paid is for positions associated with facilities management and campus police. Special events and inclement weather also contribute to overtime worked by employees, as well as the effects of a reduced work force. Total overtime paid from all sources remained fairly constant from $4.0 million in FY 2015 to $4.07 million in FY 2016.
Item Name: Proposed Repeal of ABOR Policy 3-206, “Agreements with Agencies of Foreign Countries” (Second Reading)

☐ Action Item
☐ Committee Recommendation to Full Board
☐ First Read of Proposed Policy Change
☐ Information or Discussion Item

Issue: The board office asks the board to repeal ABOR Policy 3-206 “Agreements with Agencies of Foreign Governments.” The board will maintain oversight of global engagement by the universities through the operational and financial review process.

Enterprise or University Strategic Plan
(Check the element(s) of the strategic plan that this item supports or advances)

☐ Empower Student Success and Learning
☐ Advance Educational Attainment within Arizona
☐ Create New Knowledge
☐ Impact Arizona
☐ Compliance
☐ Real property purchase/sale/lease
☒ Other: Governance oversight

Statutory/Policy Requirements
- ABOR Policy 1-205 “University Operational and Financial Reviews”
- ABOR Policy 1-119 “Nondiscrimination and Anti-Harassment”
- ABOR Policy 1-202 “Procedures for Adoption of Rules by the Board”

Background and Discussion
- ABOR Policy 3-206 was adopted by the board in 1983 and it was last updated in 1996.
- Since that time the board has updated its operational and financial review process and its nondiscrimination and anti-harassment policies, so that this policy is both no longer current and no longer needed.
- ABOR Policy 1-202 generally requires that changes in board policy be adopted over two board meetings, with a first reading at one board meeting and action by

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the board to adopt the new policy or revision at a later meeting. ABOR Policy 1-202(J) permits the board to adopt a policy or policy revision at a single meeting, to be valid for 90 days, if the board determines that adoption is necessary as an “emergency measure” and the proposed policy or revision is approved by board counsel.

- As ABOR Policy 3-206 is no longer current, board counsel recommended repeal of the policy as an emergency measure, effective immediately as of the board’s June 2016 meeting.
- The board reviewed and repealed this item with an immediate effective date at its June 2016 meeting.
- Because the September board meeting was scheduled more than 90 days from the date of the June board action, the board office asked that any application or enforcement of the policy be suspended until the board votes on the repeal in September.

Requested Action

The board office asks the board to repeal ABOR Policy 3-206 “Agreements with Agencies of Foreign Governments.”
3-206 Agreements With Agencies of Foreign Countries

REPEALED

All agreements, however characterized, to which the Board or a university is a party and which involves a foreign country or an agency of a foreign country, or in which the university will be acting in a foreign country, must provide an assurance that participation by university personnel or students in any activities relating to the agreement shall not be denied to any individual on the basis of race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status, or sex. Each university shall establish procedures to monitor compliance with this requirement, which shall include an annual certification by the President that the nondiscrimination requirements have been satisfied.

New agreements in excess of $1,000,000 and continuation of existing contracts involving more than $1,500,000 shall be brought to the Board for approval.