

**THE UNIVERSITY OF ARIZONA
GENERAL FACULTY COMMITTEE
ON
UNIVERSITY SAFETY FOR ALL**

March 3, 2023

Leila Hudson
Chair of the Faculty
The University of Arizona

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Vice Chair of the Faculty
The University of Arizona

Dear Professors Hudson and Hymel:

A few weeks ago, the General Faculty Committee on University Safety for All (the “Committee”) issued an [Interim Report](#) (the “Report”) that identified three critical institutional failures that compromised the University’s handling of information about violence risks: (1) fragmentation of safety-related responsibilities and lack of a central risk oversight system; (2) institutional neglect of a known chronic problem of distrust; and (3) excessive bureaucratization of safety-related services.

The Faculty Senate discussed and unanimously endorsed the Report at its meeting on February 6, 2023.

We write to inform the Faculty Senate that the Committee has determined that certain recent statements and actions of the University leadership have materially impacted our ability to complete our inquiry. Additionally, the University leadership’s public statement about the legitimacy and integrity of the Committee created concerns that Committee members might experience negative consequences for serving on the Committee. We asked the University leadership to diffuse the concerns. We have not received any direct response to this request. The University leadership’s disregard for such concerns has naturally exacerbated the concerns.

The Committee members, therefore, have unanimously agreed to conclude our inquiry at this point. This letter summarizes the reasons and concerns, which we believe the Faculty Senate ought to address.

We thank you for recognizing the need for an internal university safety committee and for the privilege to be of service to the University and the University community in this important endeavor. We hope that our work will help to address critical institutional deficiencies.

Copies of this letter have been sent to the University President, Provost, Chief of Staff, and General Counsel, and the Principal of PAX Group.

I. BACKGROUND

At the Faculty Senate meeting on February 6, 2023, President Robbins called on the Committee to make “*a larger effort*” and engage in “*more in-depth discussions with the TAMT Committee, with UAPD, with Office of General Counsel, and others who have in-depth knowledge about the safety on the campus.*”

Contrary to President Robbins’ suggestion, the University leadership has blocked the Committee’s ability to engage in discussions with TAMT, UAPD, DOS, OGC, and other offices tasked with safety-related responsibilities. The explanation we received for the constraint on discussions is that “*the University has engaged independent, third-party, nationally known security experts (PAX, LLC) to fully review the circumstances leading up to the tragic killing of our colleague, Dr. Meixner, as well as to review our overall campus safety and security. Every member of the University community can connect with PAX to share information, questions, concerns and ideas.*”

The service on the Committee has required meaningful time investment and its emotional toll has been high. The University leadership has expressed dissatisfaction with our work, describing the Committee as a “*subset of faculty,*” attacking the Committee’s legitimacy and integrity, and alleging that the Report includes “*sweeping conclusions based in large part on misleading characterizations and the selective use of facts and quotations.*” The University leadership, however, has declined to explain what aspects of the Report are incorrect or misleading. This approach resulted in concerns that the Committee members might face negative consequences.

We informed the University leadership of the concerns and asked that President Robbins would take action to diffuse the concerns. The response to our request was that we can “*connect with PAX to share information, questions, concerns and ideas.*” The Committee has indeed contacted PAX Principal, Phil Andrew, twice to schedule a meeting. He has not replied.

The University’s engagement of external security experts, implementation of security and surveillance measures, and development of new policies are essential to improve safety on campus, but are not in themselves enough. The qualities of the organizational culture shape the effectiveness of the University’s safety apparatus. Further, the implementation of security and surveillance measures in organizations with unhealthy organizational cultures can result in less safety, especially for marginalized groups.

Assessed in the context of related actions and statements of the University leadership since the release of the Interim Report, the constraint on the Committee’s ability to receive information from units with safety-related responsibilities illustrates that the University leadership’s approach to organizational culture and accountability is still lacking.

II. THE UNIVERSITY SPOKESPERSON’S STATEMENT

Arizona Daily Star, *Arizona Public Media*, *Arizona Republic*, and several other media outlets reported that the University Spokesperson issued a statement responding to the release of the Report, saying that the Report “**represents the work of a subset of faculty that has reached sweeping conclusions based in large part on misleading characterizations and the selective use of facts and quotations.**” *Arizona Public Media* [reported](#) that the Spokesperson did not answer the question of “*what specifically is misleading in the report*”?

III. THE COMMITTEE’S EFFORTS TO ADDRESS THE CRITICISM

After President Robbins called on the Committee to engage in more and deeper discussions with University offices that “*have in-depth knowledge about the safety on the campus,*” the Committee contacted Senior Vice President and Chief of Staff of the University, Jon Dudas, and TAMT.

The Committee’s emails to Mr. Dudas and TAMT emphasized that the Committee is committed to correcting “*sweeping conclusions based in large part on misleading characterizations and the selective use of facts and quotations*” if such exist in the Report.

On February 8, 2023, the Committee asked Mr. Dudas to explain what aspects of the Report include “*sweeping conclusions based in large part on misleading characterizations and the selective use of facts and quotations.*” We informed Mr. Dudas that “*Committee members have expressed concerns that their service on the Committee might result in soft or hard forms of retaliation,*” and asked him that the University leadership take action to diffuse the concerns.

On February 16, 2023, Mr. Dudas replied that, under the circumstances, it was not appropriate for him “*to engage in fact-finding or disputing.*” Mr. Dudas advised the Committee to direct questions and concerns to PAX Group.

On February 14, 2023, the Committee asked TAMT to clarify their written statements implying that, prior to the murder of Professor Meixner, TAMT directly reported to the University President. The Committee also asked TAMT whether its members believe that the Report is erroneous or misleading in some fashion. On February 28th, Steve Patterson responded to the Committee:

“Thank you for reaching out and sharing your thoughts/questions regarding the recently released faculty-led Committee on Safety for All Interim Report.

As President Robbins has repeatedly shared with the community, the University has engaged independent, third-party, nationally known security experts (PAX, LLC) to fully review the circumstances leading up to the tragic killing of our colleague, Dr. Meixner, as well as to review our overall campus safety and security. Every member of the University community can connect with PAX to share information, questions, concerns and ideas.

Thank you again for your outreach and we look forward to the next steps.”

The passage in Mr. Patterson’s email that refers to PAX is identical to a passage in the email we received from Mr. Dudas. This might explain why Mr. Patterson used language incorrectly implying he is a “*colleague*.” It also seems that the borrowing of sentences from some template resulted in thanking the Committee for sharing our “*thoughts/questions regarding the recently released faculty-led Committee on Safety for All Interim Report*.”

Mr. Patterson is an external security expert who has been retained to provide consulting services to TAMT. He is not listed on [TAMT’s website](#) as a member of the unit authorized to speak for TAMT. Mr. Patterson contacted the Committee through a University email account. His email did not include information about his affiliation with the University or why he replied to questions sent to TAMT.

In his communication with the Committee, Mr. Patterson acted as a messenger of the University leadership, not as an independent consultant. The generic nature of his email represents the University leadership’s approach to feedback and raises concerns regarding the independence and professionalism of the external experts selected by the University leadership.

On February 8, 2023, Phil Andrew, the Principal of PAX Group, wrote to the Committee Chair:

“Our team has reviewed [the Report] and deeply appreciates the extensive time and energy you and others put into pulling this work together. We also recognize the emotional toll it places on the survivors and those listening to their stories. It’s important to be heard. Know that we are open to any other insights you may wish to bring to our attention.”

On February 9, 2023, the Committee Chair replied, saying that the Committee “*would be happy to meet and answer questions*” and “*would also be interested in any feedback you might be willing to share, especially any concerns or further information you might have regarding our findings*.” Mr. Andrew did not reply. On February 20, the Committee Chair emailed Mr. Andrew again, asking to schedule a meeting. Mr. Andrew has not replied.

As things stand, since the release of the Report, the Committee’s inquiries have been responded to by redirection to PAX, whose principal has not replied to emails from the Committee Chair.

IV. UAPD CHIEF’S MESSAGE TO UAPD STAKEHOLDERS

A recent statement of UAPD Chief illustrates how University officers interpret the University leadership’s approach to the Committee and the Report, as well as the use of university resources to discredit the Committee.

In UAPD February Newsletter, UAPD Chief described the Report as being “*critical of UAPD, OIE, DOS, HR, and several other U of A work divisions*” and assures UAPD employees that “*President Robbins and members of the Executive Leadership Team have been quite strong in their response to this report*.” UAPD Chief concluded with the statement: “***We are stronger than our critics.***”

The Report is not critical of UAPD or another University unit. Rather, it is critical of institutional deficiencies that established “*an administrative culture that consciously and consistently disregards employee and students’ safety concerns*.” It was not the choice of UAPD, OIE, DOS,

HR or another unit to fragmentize safety-related responsibilities. The Report states that the lack of central risk oversight and neglect of a known chronic problem of distrust have impacted the ability of members of these units to perform their jobs.

UAPD Chief's newsletter message to UAPD stakeholders concerning the Report is unfortunate and is contrary to efforts to increase community trust in UAPD. It demonstrates an unhealthy administrative culture that is consistent with the Report's findings. This attitude is also consistent with our findings concerning the University leadership's approach to a known chronic problem of distrust.

V. OBSERVATIONS

1. The Committee

The Committee members are University employees and students. We agreed to serve on the Committee under the premise that our work would serve the University and its stakeholders. We are not adversaries of any University office or member and should not be treated as such by the University leadership.

We have worked hard and in good faith to evaluate how the University handles information about violence risks. Our inquiry intended to complement, not duplicate or challenge, investigations of hired security experts who were selected by the University leadership and who report to the University leadership.

The alternative to the Committee's inquiry is exclusive reliance on external experts who were selected by the University leadership, who report to the University leadership, and whose scope of engagement is vague.

2. Withdrawal of University Cooperation with the Committee

Until the release of the Report, University offices charged with safety-related responsibilities communicated with the Committee and answered questions. At the Faculty Senate meeting in early February, President Robbins called on the Committee to engage in more and deeper discussions with such University offices. Subsequently, the University leadership apparently instructed offices charged with safety-related responsibilities to direct the Committee inquiries to PAX Group and not answer questions.

Together, the University leadership's dismissive approach to the Committee and withdrawal of cooperation with the Committee have undermined the Committee's ability to complete its inquiry.

Further, the withdrawal of University cooperation with the Committee has impacted employees of UAPD, DOS, HR, OGC, OIE and other offices tasked with safety-related responsibilities. The assumption that such employees feel safe to share their concerns and experiences with experts who report to the University leadership warrants reconsideration.

3. Chilling Effects and Fears of Retaliation

In the context of the Committee's inquiry, the University leadership's approach to fact-finding and allegations has displayed an unhealthy attitude toward safety and organizational culture.

The University Spokesperson questioned the Committee's legitimacy and integrity, the Committee's findings as "*misleading*," and argued that the Committee's conclusions are "*sweeping*." The individuals who drafted the University Spokesperson's statement and the individuals who approved its issuance knew or should have known that it would send a chilling effect and increase concerns regarding retaliation.

When asked to address these allegations, the University leadership has declined arguing that it is not appropriate for university officers to engage in fact finding. The University leadership has also declined multiple opportunities to diffuse concerns that service on the Committee might result in negative consequences, including hard and soft forms of retaliation.

The University Spokesperson's chilling statement, followed by the University leadership's silence, has impacted the Committee members' sense of safety. It will likely affect the willingness of other individuals to serve on committees and willingness to share valuable information and concerns.

Together, the Spokesperson's statement and President Robbins' periodical campus safety updates sent a strong message to the entire community that only external experts selected by the University leadership and who report to the University leadership are positioned to engage in scrutiny and criticism.

As a practical matter, the University Spokesperson's press release constituted use of the university's resources to discredit the Committee and suppress criticism.

4. Concerns Regarding the Scope and Independence of Investigations Commissioned By the University Leadership

Large organizations that experience trauma often retain the services of third parties to conduct independent investigations. The scope of such investigations is determined in the engagement agreements with the investigation teams. The University leadership has not disclosed any information about the scope and terms of the engagement of the external experts it has selected.

President Robbins has never committed to release reports produced by the external experts. On October 10, 2022, President Robbins [announced](#) that the University "*begun the work to retain recognized independent external experts in security and threat assessments to begin a comprehensive review of all aspects of our campus safety, violence prevention, and public safety response, with an initial report, including recommendations, due to [him] within 75 days.*" On December 14, 2022, the Committee Chair met with PAX and asked whether its final report would be publicly released. The Principal of PAX responded that he did not know if the report would be publicly shared.

As noted, the University leadership has repeatedly stated that the University has retained security experts. Indeed, publicly available information indicates that the external experts, including PAX Principal, Steve Patterson, and Gene Deisinger, have law enforcement backgrounds. The

University leadership, however, has not stated that the external experts have been asked to evaluate the relations between the University's organizational culture and safety. In fact, it is far from clear that any of the external experts have the relevant expertise.

The Report and the events summarized in this letter indicate that the University leadership's approach to organizational culture and transparency is lacking. At the time of writing this letter, there are no credible indications that PAX evaluates this approach and its effects on the University's safety apparatus.

5. Accountability

At the Faculty Senate meeting on February 6, 2023, President Robbins stated he did not know about red flags of which University offices charged with safety-related responsibilities were aware.

The Report explains how such communication breakdowns happen. In large and decentralized organizations, the leadership's ability to be informed of material risks and make informed decisions about material risks depends on the availability of a central risk management function; namely, an information system dedicated to detecting, monitoring, analyzing, and reporting risks. The University of Arizona did not have any such system.

The [fiduciary duties of corporate directors and officers](#) include an "[oversight duty](#)," which requires them to install and rely on risk management systems dedicated to the identification, monitoring, and assessment of material risks. Failures to make a good-faith effort to install reasonable information systems of this kind constitute a conscious disregard for risk. For example, in a [recent landmark opinion](#), the Delaware Court of Chancery explained that corporate officers have "*an obligation to make a good faith effort to put in place reasonable information systems so that [they can obtain] the information necessary to do [their jobs]*" and so that they "*could not consciously ignore red flags.*"

Gun violence and other forms of violence are material risks that all US universities face. Although University officers are not corporate officers, they should be held accountable for failures to install an information system dedicated to violence risks. They should also be held accountable for failures to address known problems of distrust.

VI. CONCLUSION

Community safety requires much more than a fragmented array of security measures, the delegation of safety-related responsibilities, and the periodical engagement of external security experts. It is the duty of the leadership to ensure that the organization has a coherent risk oversight framework and foster a healthy organizational culture. The University leadership, the Committee believes, failed to meet this duty and there are no indications that any steps will be made to address the concerns outlined in the Interim Report.

The University leadership's approach to the Committee and response to our Interim Report have been consistent with the Report's findings. They raise meaningful concerns regarding the University leadership's attitudes toward safety, organizational culture, stakeholders, and accountability.

We thank you for your confidence in the Committee and for the privilege to be of service in this important endeavor.

Respectfully,

Jenny J. Lee (Chair)

Barak Orbach (Vice Chair)

Hoshin Gupta

Jennifer Hatcher

Patricia Haynes

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Shyam V. Sunder

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