1. CALL TO ORDER (00:00:15)

Presiding Officer of the Faculty Senate, Mona Hymel, called the February 6, 2023 Faculty Senate meeting to order at 3:04 p.m. in Law 160 and via Zoom. Secretary Tessa Dysart and Parliamentarian Stegeman were also present.

Present: Senators Alfie, Behrang, Bourget, Brummund, Cai, Casey, Cooley, Cui, Dial, Domin, Downing, Duran, Dysart (Secretary), Fellous, Fink, Folks, Gordon, Goyal, Guzman, Hamer, Harris, Hudson (Chair), Hymel (Vice Chair), Ijagbemi, Irizarry, Knox, Leafgren, Lee, Little, Neumann, O'Leary, Pau, Robbins (President), Rocha, Rodrigues, Ruggill, Russell, Schulz, Sadoway, Senseney, Simmons, Stegeman, Stephan, Stone, Su, Vedantam, Williams, M. Witte, R. Witte, Wittman, Zeiders, Zenenga, Ziurys

Absent: Senators Addis, Citera, Gerald, Jones, Lucas, Murugesan, Ottusch, Pace, Robles, Stanescu, Robles, Tropman

2. APPROVAL OF THE FACULTY SENATE AGENDA FOR FEBRUARY 6, 2023 (00:02:06)

Vice Chair Hymel moved [Motion 2022/23-46] to substitute the original agenda for an amended Faculty Senate Agenda with times binding. Motion was seconded. [Motion 2022/23-46] passed with forty-seven in favor, none opposed, and no abstentions. Senator M. Witte moved [Motion 2022/23-47] to end discussion. Motion was seconded. Motion carried with a two-thirds majority vote.

- Secretary Dysart stated from hers and the Faculty Center’s perspective, the January minutes are ready for approval; Faculty Center staff has spent time editing the January 23, 2023 minutes, they were circulated and no feedback was given.
  - Senator M. Witte stated the January 23, 2023 minutes were not circulated until after three o’clock in the afternoon on the previous Friday, comments and feedback have been circulated directly to the Chair.

3. OPEN SESSION: STATEMENTS AT THE PODIUM ON ANY TOPIC, LIMITED TO TWO MINUTES – MAXIMUM NUMBER OF SPEAKERS IS FOUR. NO DISCUSSION IS PERMITTED, AND NO VOTES WILL BE TAKEN. (00:11:10)

Open Session Statement: Senator Downing (00:11:51)

As a former lawmaker, I am not amused by the Secretary of the Faculty misrepresenting the faculty governance law in her faux legalistic letter supporting change in accreditation (Tessa Dysart letter Jamiene Studley, President, WSCUC 13 Jan 2023). The law’s first sentence states that “SUBJECT TO THE RESPONSIBILITIES AND POWER OF THE BOARD AND THE UNIVERSITY PRESIDENTS, THE FACULTY (MEMBERS OF THE UNIVERSITIES,) THROUGH THEIR ELECTED FACULTY REPRESENTATIVES, SHALL SHARE RESPONSIBILITY FOR ACADEMIC AND EDUCATIONAL ACTIVITIES AND MATTERS RELATED TO FACULTY PERSONNEL.” [ARS 15-160lb, my underlying]. Omitting “share,” the Secretary falsely claims the law “expressly limits” faculty governance. Embellishing, she imagines the statute states that shared governance “will be carried out by, ‘elected faculty representatives’ as a whole, not specifically the chair and their delegates.” This language is hers and not in the law. She tries to buttress her brief, citing an unrelated appellate court ruling written 18 years before the law was passed?

Dysart omits the law’s powerful next sentence that is not constrained by the “subject to” or even “sharing” provisions of the first. “THE ELECTED FACULTY MEMBERS OF EACH UNIVERSITY, THROUGH THEIR ELECTED FACULTY REPRESENTATIVES, SHALL PARTICIPATE IN THE GOVERNANCE OF THEIR RESPECTIVE UNIVERSITIES AND SHALL ACTIVELY PARTICIPATE IN THE DEVELOPMENT OF UNIVERSITY POLICY.” Unconstrained, elected faculty representatives shall participate in the governance and development of university policy. In our American legal system,
an MOU that is inconsistent with its overarching law is invalid and needs redrafting. Thank you, Sec. Dysart, for bringing this to our attention.

Theodore E. Downing, Research Professor of Social Development, RII www.TedDowning.com

Open Session Statement: Jean Mclain, Assistant Dean, College of Agriculture and Life Sciences (00:14:19)

I want to start off by saying, my comments are not being made on behalf of the College of Agriculture and Life Sciences. Rather, my commentary relates to my duties as a Faculty and Administrator on campus. I, along with the team of assistance in CALS, manage on any given day, 350 faculty. This includes promotion and tenure annual reviews, sabbatical faculty grievances, tracked changes, hiring practices, emeritus requests, post tenure reviews, and five-year reviews.

The Committee of Eleven has forwarded to you, proposed changes to UHAP 5.2 annual performance of administrative reviews. These changes proposed include a review by an elected committee of faculty, staff, and senators from each perspective unit to be done every first year. In effect, they are proposing a five-year review to be performed every year for every administrator. In CALS, we have nearly forty personnel with administrative appointments, we have a Qualtrics based, 360 reporting system that works very well for administrators.

The Committee of Eleven states that the suggested changes have been brought on by a lack of annual review compliance and accountability for administrators. In CALS, we are one-hundred percent compliant with all reporting. These proposed changes will create a massive workload for committees, faculty, stakeholders, and faculty affairs administrators.

If units are across the University are not compliant, why can’t we simply hold these units accountable? How could we think that massively increasing the workload for all, would increase compliance rates? Not whining about the extra work, I intend that Faculty Affairs professionals are amongst the hardest working on campus, and I, for one, always embrace a new challenge. Please consider the benefits, I can see none.

Open Session Statement: Melody Buckner, Assistant Vice Provost of Digital Learning Initiatives and Online, College of Education (00:16:37)

The contract with our current Learning Management System (LMS), D2L Brightspace (D2L), expires in January 2023. We are required to conduct a Request for Proposals (RFP) as this is a state mandate for all contracts. Given this, it is the right time to review our LMS needs and how to best support student success.

In February, we will be engaging in a Request for Information (RFI) to explore the current Learning Management System (LMS) landscape. In the fall of 2023, there will be a Request for Proposal (RFP) process to select a system that will provide us with the best foundation to support student success. Knowing that an LMS is a critical piece of infrastructure and supports a great deal of what we do across the entire institution, we will ensure that the whole community of students, faculty, and staff will be engaged in providing feedback on their needs, reviewing, and assessing candidate systems according to these criteria, and shaping the final decision. We aim to complete the selection process and the provost will announce the decision in early Spring 2023. While there are many criteria to consider, the functional requirements that support student learning and the non-functional attributes that shape the student and faculty experience will take center stage – we are confident in our technical ability to implement any of the candidate systems that best support these functional and non-functional needs.

Reflecting the centrality of our LMS in the student and faculty experience, this effort will be housed in academic affairs and coordinated through the Office of the Provost in concert with a diverse leadership and coordinating group consisting of faculty and staff representing the teaching and learning enterprise. Roger Miesfeld, Distinguished Professor of Chemistry & Biochemistry, has agreed to serve as the faculty lead in this effort. The RFP recommendation committee will be established in late April 2023.

We will continue to share information and details on our planning to meet our goal of engaging the entire campus community in this effort. On behalf of the entire leadership group, we’re excited to engage with you all in the work ahead!
Open Session Statement: Senator R. Witte (00:19:42)

Article 2, Section 1 of the AZ State Constitution declares “A frequent recurrent to fundamental principles is essential to the security of individual rights and the perpetuity of free government.” Our public universities were created by and for the benefit of the People of Arizona. Our State Constitution which is “The Supreme Law of the Land,” (Article 2, Section 3), refers to university employees as “public servants” and “indentured trustees” with strictly limited powers. A.R.S. 38-231 explicitly requires all university employees, from the President on down, to take a loyalty oath and to “solemnly swear to support the State Constitution and Laws of Arizona” and “faithfully and impartially defend the individual rights of The People. ARS 38-231 further lists consequences of violating one’s Oath, ranging from censure and fines to termination of services. As part of the system of checks and balances, The People have granted specific authority to this elected body of the faculty senate to protect and maintain individual rights and preserve the core values and sacred mission of our university. Such authority includes investigating evidence of wrongdoing, demanding corrective action, and ensuring the People of Arizona are properly informed of all proceedings through published “Minutes” and other communications. In this respect, I believe that this body in recent months has repeatedly not followed proper form. “Where law prescribed a form, the nonobservance of it is fatal to the proceeding, and the whole becomes a nullity” and “Time cannot render valid an act void in its origins.” Maxim of Law 46d and 62d Charles Weisman. I request the Chair of the Faculty to assemble a special session of the Faculty Senate to focus on restoring proper form to our proceedings. Then, I would like to see a proactive stance that focuses on topics of utmost importance to my constituents. This includes proper form when expressing grievances and demanding redress for actions that may have harmed an individual or group of individuals at the university. I look forward to discussing this further with many of you.

Open Session Statement: Senator L. Ziursys (00:22:47)

I’m very worried that there really appears to be a festering problem with leadership and management at the University of Arizona. There are so many controversial issues: furloughs, Ashford, response to the Meixner crisis, UITS takeover, University accreditation subsidies to athletics. All in my opinion, undermine the University’s reputation and ability to recruit excellent new Faculty.

So, my question is: who is responsible? Is it out Senior Administration, or is it the Board of Regents, or both? In any event, it seems like we have a lot of management by bonuses, and the faculty are never seriously consulted, which brings to mind a quote from George Herbert Walker Bush, who wrote to his sons before they took office, “Power, accompanies by arrogance, is very dangerous. It is particularly dangerous when people with no real experience have it, for when they can abuse our great institutions.” I think we owe it to our Faculty, Staff, and students that the University of Arizona, it’s principals, and what it stands for, is not abused.

4. STATEMENT FROM THE CHAIR OF THE FACULTY, LEILA HUDSON (00:24:11)

Our agenda today centers on the report to the General Faculty Committee on Safety for All. As of today, it has been endorsed by ASUA and the Hydrology Students Association, and unanimously by the Committee of Eleven, our oldest governing body. I hope that the Senate will endorse it as well.

The reaction of the administration has been disappointing to say the least. I am pleased to see from President Robbin’s communication, this morning, that he understands that institutional change is needed. I am beyond disappointed that his spokesperson continue to delegitimize the faculty’s expertise and our statutory role in the governance of the institution and that he feels the need to hire, yet another, outside consultant. I ask, as I have for previous contractors, how were they selected, was there a bidding process, how much are they being paid, and what is their charge? This information should be public and willingly shares. The piecemeal, defensive, fragmented and grudging attitude towards needed safety reforms is not reassuring. Vulnerable community members and whistleblowers (whom I spend a lot of time trying to advocate for, witness, and protect) are worried that outsourcing our security project will leave them subject to increased, unmitigated, risks and threats.

A word to the wise, leadership cannot be outsourced,

In addition to the security for all discussion, I hope to talk about the UITS “information security” centralization. The costs, the vendor, the unanswered questions pose a threat to our institution.

I have asked the Nominating Committee to recruit a faculty committee on disability, and after today’s discussion, I may ask them to recruit an information technology and property committee. In spite of the administration’s disregard, these interdisciplinary collaborations make a difference.

5. OLD BUSINESS (00:28:23)

A. Questions regarding the WSCUC Accreditation Process (00:28:37)

- Chair Hudson asked about next steps for the WSCUC Accreditation Process including how current concerns will be addressed and how the relationship between the University of Arizona’s and WSCUC will be analyzed.
6. **NEW BUSINESS (00:47:12)**

A. **General Faculty Safety/Security Report – Chair of the Faculty, Leila Hudson and Faculty Senator Jenny Lee (00:47:29)**

- The Faculty Senate Safety Committee is comprised of Faculty, Staff and Students including a Regent's
Professor, two endowed Faculty Chairs, other nationally and internationally renowned scholars, and dedicated staff and student leaders. There is affiliation with eight colleges and a center, including the Faculty Senate, the University Staff Council, the Graduate and Professional Student Council, and the Associated Students of the University of Arizona. About half of the members of the committee have contributed about twenty years to the institution, notably longer than some leaders at UArizona. The committee has volunteered over one-thousand, unpaid hours since mid-October 2022.

- Rigorous analysis includes the viewing of hundreds of public records, conducting multiple in-depth interviews, and conducting listening sessions with diverse community groups, victims, and members of the Department of Hydrology and Atmospheric Sciences, and the College of Nursing.
- The committee synthesized available information to develop inclusive, factual findings while avoiding personal biases to maintain the highest integrity during the review process and report.
- The thirty-page interim report is a short version and does not contain include a far more detailed timeline, mounting evidence of Murad Dervish’s anti-semetic, anti-Black, anti-Asian, and other hate rants, repeated and disturbing threats against his victims, and other cases of University members seeking help, and the same pattern of minimal and passive responses from University units. The committee describes this response as a bureaucratic maze where no single unit takes responsibility for individual safety.
- The committee came up with several conclusions:
  - The University’s approach establishes an administrative culture of conscious disregard for violence risk and the leadership failed to adopt measures needed to inform relevant decision-making processes.
  - The University does not have a centralized system to detect, monitor and address violent risks, the Threat Assessment Management Team (TAMT) lacks both the funding and organizational authority to effectively address safety.
  - The current fragmentation of responsibilities and bureaucratic approaches to violence risks have erected barriers to access safety services.
  - The University of Arizona suffers from a known trust problem whose causes are diverse.
- While the University is relying on outside suggestions from law enforcement consultants to further securitize the institution, there is advisement for the Faculty Senate to advocate for a central risk management system to promote safety for all, especially those who many suffer as targets from discriminatory profiling.
  - The University’s chronic problem of mistrust severely undermines its ability to protect victims, especially when individuals are skeptical as to whether a threat is worth reporting, or they fear that reporting may result in negative consequences. There are shared fears of retaliation which appear to be heightened by the University’s response to the media last week.
  - Compliance and enforcement processes are invaluable but alone are insufficient to promote safety as they do not replace timely and adequate information for informed decision-making. Excessive bureaucratization degrades the effectiveness of these processes and erodes institutional trust; the Faculty Senate is urged to focus on safety over falling into the same excessively bureaucratic distractions leading to Professor Thomas Meixner’s murder.
- Senator Hammer moved [Motion 2022/23-48] that the Senate concurs with C11’s endorsement of the General Faculty Committee on University Safety for All Report on Oversight and Response Failure: Broken Trust. Lessons from the events surrounding the murder of Professor Thomas Meixner. Motion was seconded. Motion passed unanimously.
- Secretary Dysart stated she is concerned that not all voices of marginalized voices were heard in the committee’s group. For example, the Committee did not meet with the Native or Latino groups on campus.
  - Senator Lee stated the report by no means, speaks for all populations, and feedback is appreciated within the interim report.
- Senator M. Witte stated her request for the committee to work on the murder of a freshmen student in the dormitory about seven years ago.
- Senator Ziurys stated there is a need for accountability and asked why there has not been a response from Lisa Ruiney who the UAPD (University of Arizona Police Department) reports to, nor the Dean of the College of Science.
- Senator Zeiders stated her gratitude for the committee, and stated the administration has continued to discredit the report by calling it a subset of the faculty, this illustrates a tactic used by the administration to deflect from taking responsibility. Senator Zeiders also stated that President Robbins released an email stating the University will pay an outside consultant, Gene Deisinger, and participants will learn to communicate and share concerns; one clear thing from the report is that the campus community was relentless to share their concerns.
  - Senator Harris said the tactics that the University is using to undermine the work of the committee is unfortunate and exemplifies the issue of trust; there was no limiting of faculty in the interim report, but limited faculty were allowed to endorse the WSCUC accreditation.
- Senator Fink stated that Chief Information Officer (CIO), Barry Brummund has been repeatedly contacted by the Chair and Vice Chair of the Committee of Eleven to reveal when the website for active shooter training was posted for the sake of transparency.
• President Robbins stated he looks forward to viewing the committee’s full report in the future. President Robbins also stated there were faculty members who requested that ABOR do an investigation, the decision to hire the PAX group was aided by ABOR, PAX has complete openness to investigate anything they wish, to provide safety for faculty, staff, students, and visitors. President Robbins stated he is looking forward to viewing the findings from both the Faculty Senate committee and the PAX group, there is a hope to also have a further discussion with other groups who have in-depth knowledge regarding the safety on campus. President Robbins stated he takes accountability, even though he was not aware of the threats; there were miscommunications and he looks forward to reviewing the reports and making improvements.

B. UITS Information Security Questions – Associate Professor, Eric Lyons, College of Agriculture and Life Sciences (CALS) (01:11:07)
This report is a follow-up to one made in December 2022 to the Faculty Senate concerning the effects UITS Centralization will have on campus including centralization of networks, campus IT equipment, and research servers.
• Chief Information Officer (CIO), University Information Technology Services (UITS) Barry Brummund’s plan lacks detail and transparency; it includes the notion that all servers that are being used on campus to manage and process research data will be migrated into Amazon Web Services (AWS).
• There will be a severe and negative impact on research; the cost of the project is somewhere around twenty-million dollars per year.
• Many projects on campus are generating a great amount of data requiring proper equipment including DNA Sequencing, Astronomy Projects, Bio and Medical Imaging Systems, it would be extremely difficult to move such projects into AWS.
• There is a need for Information Technology (IT) leadership to better communicate and research the effects on this implementation, frontline IT staff are now being burdened with concerns and questions regarding this plan. If there is a goal to grow research expenditures to one billion dollars, this type of plan will cause many faculty to leave and cause difficulty for future recruitment.
  ▪ Senator Russell stated AWS will not allow for adequate and timely connectivity, it will require lines to be redone in multiple buildings resulting in costly expenses.
  ▪ Senator M. Witte moved [Motion 2022/23-49] to extend the discussion by two minutes. Motion was seconded. Motion passed with a two-thirds, majority vote.
  ▪ Senator Ziurys stated research will come to a halt with telescopes and believes this is similar to policing.
  ▪ Senator Downing stated he observes a common theme for a lack of risk assessment and asked whether the President is committed to having a full risk assessment completed, including elected faculty, on this decision.
    • President Robbins stated he is committed to doing full risk assessment and requested that Barry Brummund respond to the matter.
    • Chief Information Officer (CIO), University Information Technology Services (UITS) Brummund stated the concerns raised are important to IT professionals, the University runs large on-premise computing infrastructures and on-premise storage. CIO Brummund stated IT is in the planning stages to meet gathering, computing, and storage infrastructure requirements; afterwards, a design and architecture phase for cost optimization will begin to meet security and research requirements, faculty input is welcome.

C. Furlough Reimbursements – Chair of the Faculty, Leila Hudson (01:24:00)
The January 2023, Arizona Republic detailed that the University of Arizona has allocated 53.5 million dollars in 2021, and 14.8 million dollars in 2022 to benefit the athletic department on top of pre-pandemic subsidies.
• There will be a General Faculty Committee to work with central administration to develop a multi-year plan to return furloughed money to staff and faculty.
• The Committee will also be charged to work with central administration to develop a plan to return to pre-pandemic employee numbers and FTEs.
  ▪ President Robbins stated he believes the numbers referred to are mainly designated to student scholarships given to athletes and not direct money given to the athletic department.
• Secretary Dysart moved [Motion 2022/23-50] to move to Executive Session for Honorary Degrees due to limited time being available and Dean’s who rearranged their schedules to be in attendance. Motion was seconded. Motion was defeated.

D. iSchool Restructuring and Spreadsheets – Director, School of Information, Catherine Brooks (01:36:05)
The iSchool was created in 2015 where there was a plan to align with peer institutions. College of Social and Behavioral Sciences, where the iSchool is currently housed, has signed off on the proposal.
• There is a hope to have an iSchool that mirrors other institutions to be on par and competitive with peers.
• The proposal went through various parties, the goal is to increase the visibility and opportunities for Arizona on curricular research efforts.
• iSchools focus on the study of information and technology as they impact humans through bias and fairness in relation to algorithmic decision making, data management, privacy, and open access.
• The program is not completely online, there are nine total programs where two are fully online and two are global.
• There will be no new costs as the iSchool has existed for many years although finances will change due to separation from the College of Social and Behavioral Sciences.
• Vice Chair Hymel moved [Motion 2022/23-51] to skip reports and move directly into Executive Session for Honorary Degrees. Motion was seconded. Motion passed with a two-thirds majority vote.

7. **ADJOURNMENT**

There being no further business, the meeting went into Executive Session at 4:44 p.m.

Tessa Dysart, Secretary of the Faculty
Jasmin Espino, Recording Secretary

Motions of September 12, 2022 Faculty Senate Meeting

[Motion 2022/23-46] to strike through the original agenda and substitute for an amended Faculty Senate Agenda with times binding. Motion was seconded. Motion passed with forty-seven in favor, none opposed, and no abstentions.

[Motion 2022/23-47] to end discussion. Motion was seconded. Motion carried with a two-thirds majority vote.

[Motion 2022/23-48] that the Senate concurs with C11’s endorsement of the General Faculty Committee on University Safety for All Report on Oversight and Response Failure: Broken Trust. Lessons from the events surrounding the murder of Professor Thomas Meixner. Motion was seconded. Motion passed unanimously.

[Motion 2022/23-49] to extend the discussion by two minutes. Motion was seconded. Motion passed with a two-thirds majority vote.

[Motion 2022/23-50] to move to Executive Session for Honorary Degrees. Motion was seconded. Motion was defeated.

[Motion 2022/23-51] to skip reports and move directly into Executive Session for Honorary Degrees. Motion was seconded. Motion passed with a two-thirds majority vote.

**Attachments within the Minutes**

1. Page 1, Action Item 2: Approval of the Faculty Senate Agenda for February 6, 2023