
From: Dysart, Tessa L - (tdysart)
Sent: Friday, April 14, 2023 6:56 PM
To: Espino, Jasmin Monea - (jasminespino)
Subject: Fwd: Amendment/Addendum to Minutes from Feb 27, 2023

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From: Russell S Witte <rwwitte@arizona.edu>
Sent: Friday, April 14, 2023 6:46:37 PM
To: Hudson, Leila - (lhudson) <lhudson@arizona.edu>; Hymel, Mona L - (mhymel) <mhymel@arizona.edu>; Dysart, Tessa L - (tdysart) <tdysart@arizona.edu>
Cc: Stegeman, Mark W - (stegeman) <stegeman@arizona.edu>
Subject: Amendment/Addendum to Minutes from Feb 27, 2023

Dear Faculty Senate Officers,

I'm formally making a request to amend/addend the Feb 27, 2023 Faculty Senate meeting (approved March 13). I made reference to the series of missing comments at the Apr 3 meeting, discovered while listening to the recording (below).

The transcript from the recording included three consecutive comments during our brief discussion on the iSchool proposal (missing from the Feb 27 minutes). The omission is especially relevant because ABOR subsequently reviewed these minutes before their 3/23/23 meeting. The amendment/addendum will officially put back these comments for the record.

Senator Fink: "Will the two weeks be enough to be able to get the additional information that Senator R. Witte rightfully so asked for or should it be pushed further back into April."

Senator Cui: "I have similar questions. We would love to hear your comments and feedback so please do send your comments and feedback to either me or our director so that we have a timeline to get this onto the ABOR's agenda when they meet in April."

VC Hymel: "So those of you with questions, comments, etc. if you can get those to our colleagues and then by the March 13 meeting or the exec meeting the week before Ron you can let us know if you think everything has been ironed out or either one of you."

Senator's Fink's remarks start around the 45 min mark).

<https://arizona.app.box.com/s/xypikopn45wdko3esv4r16bdiumw5y5s/file/1153255906044>

Comments are missing from the approved Minutes, which would appear at the red line below...

- Senator R. Witte stated this idea was new to him, so he reached out to several junior and senior Faculty in Optical Sciences, Engineering, and the College of Medicine; in general, very few of them had heard of iSchool. They were puzzled on why forming a new unit would be moved forward so quickly. Many of the individuals that were questioned pointed out that it seems to come from a Social and Behavioral Science-centric initiative, even though this involves multiple STEM disciplines. Senator R. Witte stated he is slightly uncomfortable with moving forward to approve the unit, until there is more engagement from his colleagues and faculty to ensure they are vetted in this idea and given a chance to give input; he looks forward to see town halls on this to involve members of the community, to have a more open discourse. Senator R. Witte stated he is familiar with the AI, VR, 5G technology involved with the brain machine interface and the legal, lawful, and ethical questions involved; he is interested to see how this will be overseen in addition to the privacy aspects that will be implemented to avoid the risk of hacking. Senator R. Witte stated his suggestions for town halls or the creation of a task force involving a diverse group of people to look at the idea and provide their input to allow for an outside perspective.
- Vice Chair Hymel moved **[Motion 2022/23-57]** to move Consent Agenda Item: New Academic Unit iSchool to the March 13, 2023 Faculty Senate meeting. Motion was seconded. Motion passed with thirty-seven in favor, one opposed, and two abstentions.
 - Parliamentarian Stegeman stated he believed this to be an administrative reorganization that did not require ABOR (Arizona Board of Regents) approval and asked if there is a curricular program attached to it.
 - Co-chair Cui stated, she is sure it requires ABOR approval, it is a separate college which has been approved by the Dean's Council, Graduate College Academic Administrators Council (G-CAAC) Undergraduate College Academic Administrators Council (U-CAAC) The Faculty Senate is the group that needs to approve the item before being able to move to ABOR approval.

Finally, at the April 3 meeting, I made **two suggestions** to help the *quality* of the minutes to prevent key omissions. Note, my comments did not refer to the *format* of the minutes. In fact, Secretary Dysart, Jasmine and the faculty center has done a great job returning the format of the minutes to what most senators expect-->consistent with pre-FY23 and the resolution passed at the end of 2023.

1) Suggestion #1: Provide a "rough" transcript to Jasmine at the Faculty Center within e.g., 7 days of the meeting to assist in her preparation of the Minutes. The recordings automatically include a "very rough" CC text transcript (poorly formatted) within hours of the recording. I suggested a few senators volunteer to reformat the transcript for Jasmine to help her prepare the Minutes with the primary (sole?) goal of preventing omissions of comments by Senators that are evident in the recording. I'm also happy to be the one to volunteer to do this in the interim to help Jasmine, if necessary.

2) Suggestion #2: Include the "seconded" in all motions in the Minutes. I understand that Robert's Rules does not make an explicit recommendation. So, I went back over several years and discovered there were inconsistencies including the seconded of motions in the FS minutes (* see below an example where they are included). I'm okay either way, but given that some motions may return at a future meeting after being tabled, it makes sense to have a *record of who seconded the motion*, as it may come into play at a future meeting with a motion on the table. In most public meetings (not FS), the seconded is routinely included in the minutes. I'm not saying to require it (sometimes it is unclear), but to include whenever possible.

Finally, I do not think any of this really needs to be revisited, discussed, or debated in the FS as an agenda item. The 15 min. discussion that followed my comments on April 3 *digressed* from what I stated and from my intent. Contrary to subsequent comments, I had zero interest to "include a transcript with the minutes." Nor was I accusing anyone of wrong doing. I was simply making a suggestion to help

Jasmine prepare the minutes to ensure comments from senators were not omitted. I believe problems in early FY23 with the Minutes have been resolved, and there is *really no reason* to spend our precious FS time debating this again. Thanks for your consideration!

Have a Great Weekend Everyone!

-Senator Russ Witte-

*

scrambling back and forth meeting with UAGC, the Foundation, attorneys, accountants, the DOE, the Undersecretary of Education, which continued through the holiday break and into January. Robbins isn't sure of the specific date, but once a pathway to resolve conflicts was reached, the process of informing campus began. Fink added that due to the importance of the situation, possibly a special session could have been called to inform campus. Hudson moved **[Motion 2021/22-28]** that the Faculty Senate votes to oppose President Robbins' plan to move forward with the University of Arizona assuming added responsibility for UAGC by means of the proposed merger and that we recommend acceptance of the Department of Education's condition of a financial audit being conducted on UAGC and the UArizona Foundation in relation to UAGC, after which, if the Department of Education continues title IV eligibility for UAGC, the Faculty Senate will organize an advisory committee to organize and oversee an admissions and educational audit in order to further movement on the relationship between UAGC and the University of Arizona. Ziurys **seconded the motion**. Simmons said that he is hesitant to vote on such a motion before discussions have ended, and more discussion is scheduled for next week's Faculty Senate meeting. Many questions haven't been answered yet, including the DOE's resources that have been requested and just sent for review. Simmons moved **[Motion 2021/22-29]** to table the motion until the February 7, 2022 Faculty Senate meeting. Helm **seconded the motion**. Ziurys asked if a motion could be made to not table the motion. Simmons asked why the Faculty Senate would want to vote on something that hasn't been reviewed yet. In asking for mutual trust, Faculty Senate has received the information/documents it requested. Stegeman indicated that Simmons' motion is technically a postponement rather than a tabling, which is a perfectly legitimate subsidiary motion if it passes by majority. If it fails, the original motion is still on the floor. Robbins added that there has been an audit of the financials of the UArizona Foundation that is incorporated in the University of Arizona's publicly disclosed financial statement on a yearly basis. Moreover, there's been an audit of UAGC and the Foundation submitted to the DOE separately as was requested by the DOE. Ziurys asked why UArizona doesn't give the DOE what it has asked for. Hingle clarified with Stegeman if the discussion be redirected to postponing the motion. Stegeman affirmed. Downing objected to Presiding Officer Hingle for muting someone because she doesn't want to hear what they have to say. Hingle explained that Downing was out of order. Downing said that some people have seen the documents requested, and some have not, and many had to sign a Non-disclosure Agreement initially to weigh in on the deal. Hopefully there will be full deliberation and full disclosure because as Faculty Senators who represent colleges and constituencies, the people not present are also fully affected and it would be advisable to obtain their input. Downing hopes that due diligence is undertaken and concerns are now being heard, thanking President Robbins for the open discussion. Robbins added that the reason for the Non-disclosure Agreements was because at the time, it was required because Zovio was a publicly traded company. Hudson reconsidered her motion and supports the motion to postpone, providing all documentation data that has been requested and discussed at this meeting is provided by administration. Hingle advised that the documentation has been put in a Box folder for Faculty Senators. **[Motion 2021/22-29]** to postpone **[Motion 2021/22-28]** passed and is detailed at the end of these minutes. Downing moved **[Motion 2021/22-30]** to postpone the next agenda item Executive Session for Honorary Degrees to allow other Faculty Senators to continue discussion and ask questions. Hudson **seconded the motion**. Hingle clarified that the Deans of the colleges who have put forward the Honorary Degrees have been asked to be present and are currently all present. The Honorary Degrees are time-sensitive, and time has been set aside for the next Faculty Senate meeting on February 7, 2022 to continue discussion on the UAGC matter. Simmons added that although he agrees with keeping the momentum going with the discussion, the Deans are present to talk about their Honorary Degrees and business as scheduled needs to be followed. Faculty Center staff informed Faculty Senate that instructions were that the Honorary Degrees needed to be voted on at today's Faculty Senate meeting, and the February 7, 2022 meeting was going to be too late to do so. Downing withdrew his motion, followed by **seconded Hudson**. **[Motion 2021/22-30]** was withdrawn.

Russell S. Witte, Ph.D.

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"Science is nothing but perception." --Plato

**MINUTES
SPECIAL FACULTY SENATE
FEBRUARY 27, 2023**

Once approved, these minutes may be accessed electronically at:

<http://arizona.openrepository.com/arizona/handle/10150/107812>

Visit the faculty governance webpage at:

<http://facultygovernance.arizona.edu/>

The recording of this meeting be found at:

<https://arizona.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=f3d02042-e612-409e-acd3-afb7000470cc>

1. CALL TO ORDER

Presiding Officer of the Faculty Senate, Mona Hymel, called the February 27th Faculty Senate meeting to order at 3:02 p.m. via Zoom. Secretary Tessa Dysart and Parliamentarian Stegeman were also present.

Present: Senators Bourget, Brummund, Cai, Casey, Cooley, Cui, Dial, Domin, Downing, Duran, Dysart, Fellous, Fink, Folks, Goyal, Guzman, Hammer, Harris, Hudson (Chair), Hymel (Vice Chair), Irizarry, Jones, Knox, Leafgren, Lee, Little, Neumann, O'Leary, Ottusch, Pace, Robbins, Rocha, Schulz, Senseney, Simmons, Slepian, J. Smith, Spece, Stegeman, Stephan, Stone, Su, Tropman, M. Witte, R. Witte, Zeiders, Ziurys

Absent: Senators Addis, Alfie, Citera, Gerald, Gordon, Haskins, Ijagbemi, Lamb, Lucas, Murugesan, Nichols, Pau, Rankin, Robles, Rodrigues, Ruggill, Russell, Sadoway, M. Smith, Stanescu, Vedanatam, Williams, Wittman, Zenenga

2. APPROVAL OF THE FACULTY SENATE AGENDA FOR FEBRUARY 27, 2023 (00:01:30)

Hymel moved [**Motion 2022/23-52**] to approve the Faculty Senate Agenda. Motion was seconded. Motion passed unanimously.

3. APPROVAL OF THE SEPTEMBER 12, OCTOBER 3, AND NOVEMBER 7 2022 MINUTES (00:02:14)

- Chair Hudson moved [**Motion 2022/23-53**] to approve the September 12, 2022 Faculty Senate Minutes. Motion was seconded. Motion passed with forty in favor, none opposed, and no abstentions.
 - Senator Downing stated he gave a careful, prepared statement in September 2022 regarding Anti-woke Florida tied, academic freedom actions that can be taken into consideration by the University of Arizona. Senator Downing stated his entire two-minute speech was removed from the September minutes in addition to President Robbin's comments. Senator Downing stated he strongly objects to any attempt to censor comments from anyone, making a call to an audience; it is the Secretary's job to make an accurate report and has no idea what type of training the Secretary received at Harvard, in terms of reporting the truth.
 - Faculty Center Staff, Jane Cherry, stated the Faculty Senate minutes from September 12, 2022 were updated to include Senator Downing's statement and the agenda was updated to include the new version.
 - Secretary Dysart stated Senator Downing's statement was not removed, originally, there were no Open Session Statements included in the minutes; she is unsure why the statement was not included when editing the minutes to include Open Session Statements but there was no effort to remove anyone's statement, changes have since been made.
 - Senator Downing stated there were four total speakers where three speakers were included, his statement was excluded.
 - Senator M. Witte stated Senator Downing's statement was listed on the original set of flawed minutes, on the second set of edits, his statement was removed.
- Chair Hudson moved [**Motion 2022/23-54**] to approve the October 3, 2022 Faculty Senate Minutes. Motion was seconded. Motion passed with forty in favor, none opposed, and one abstention.
 - Senator M. Witte stated she would like to clarify the original minutes were seriously flawed with omissions and anonymizations, she sent in ten to fifteen corrections directly to the Chair, as did others. Senator M. Witte stated that in addition to the hours spent without recordings, trying to remember omissions, Chair Hudson also spent time the past weekend to ensure the minutes were in order. Senator M. Witte stated regarding hers and other Senators sending edits directly to the chair, it was their feeling that until April 2022, there was never any delay in approving the minutes due to the transcript format; Secretary Dysart changed how the minutes were constructed and introduce the flaws. Senator M. Witte stated the delays in approving minutes is not the Senate's fault, in January, it was said that it was appalling that corrections were sent to the Chair directly; this was done because it was felt the Secretary was not properly producing approvable minutes. Senator M. Witte requested to have it on

the record, that the Secretary stated Senators were acting like four-year-olds; there has been a lot of time spent correcting the minutes and there may still be omissions. Senator M. Witte stated her colleagues' efforts shouldn't be insulted, but they should be thanked on behalf of the Senate. Senator M. Witte stated that no one is to contact the Secretary nor anyone else when minutes are received, all comments should be addressed during the Faculty Senate meeting.

- Chair Hudson moved [**Motion 2022/23-55**] to approve the November 7, 2022 Faculty Senate minutes. Motion was seconded. Motion was approved with forty-one in favor, none opposed, and two abstentions.
- Senator M. Witte moved [**Motion 2022/23-56**] to table the February 6, 2023 minutes to the March 13, 2023 Faculty Senate meeting. Motion was seconded. Motion was approved with thirty-one in favor, two opposed, and three abstentions.
 - Vice Chair Hymel stated the Faculty Senate will return to approving the January 23, 2023 and February 6, 2023 minutes at the next meeting.

4. 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.

Open Session Statement: Associate Professor, Keiron D. Bailey, College of Education (00:24:07)

On December the seventeenth of two-thousand-and-seventeen, my home was invaded by electronic communication by a Dean of the University of Arizona in a drunken rage. He called my wife, in terms of sex-based harassment. He said "someone is going to lose their job, it's going to be you, other people are going to lose their jobs," and he named some of the people, he said, "I've done it before."

My wife woke me at two in the morning, in such a state of terror, that she could not speak. She dropped the phone on the floor. My reaction to this was to believe that our son had died. This was the most violating and invasive experience of my entire working life, and of hers. We filed complaints within three hours, written complaints with the President, Provost, and others.

Within a few days, my wife, Dr. Coonan had met with the former Provost during which time she was subjected to complaint handling that was non-compliant. The abuser and the harasser coordinated with multiple UA officers to classify this violating action as work, in writing. We both protested this. This did not change; I filed a number of complaints internally about this. I filed certain letters in the mail with the Provost and the Office of the General Council (OGC), with no response.

In twenty nineteen, I took this to the Board of Regents with a protected disclosure and they responded with a declaration of wrongful conduct under the Statute 6-914; notice, not alleged wrongful conduct but wrongful conduct. But they handed the problem back to me inviting me to pursue a lawsuit instead of delivering the corrections that were necessary. I pursued this matter for another two and a half years, via various channels, including through accreditation agencies, Civil Rights complaints through the Department of Justice (DOJ) and the Office for Civil Rights (OCR) without restitution or correction. Until about three weeks ago, administration called me into a meeting and I was informed that the Office of Institutional Equity (OIE) had performed their job correctly.

I am reading now from the victim's statement which has been provided to the Faculty Senate in support of an investigation as well as multiple Federal Agencies.

"It is important to note, I did not hear from the Office of Institutional Equity about this incident until May and June of 2020, nearly two and a half years after the incident. My husband did communicate with OIE in twenty-twenty when he was assembling his complaint to the OCR. He asked them if either of the two officers had ever filed a complaint about the harassment. They informed him, there was no record of a complaint about the Dean. It is called, OIE is likely what triggered their email to me. The email from OIE informed me the complaint did not fall within the 180-day review window. After the threat occurred, there was no effort to make sure I felt safe. From the time of the complaint until the time I left the UA in January 2020, whenever the Dean was present during a meeting, I felt anxious and uncomfortable. Whenever I reviewed proposals presented by his college, as I feared more irate and threatening phone calls may be visited upon me for simply doing my job."

There is more in this statement. Multiple victims of this same person who has been facilitated for a number of years by the complaint handling systems of the University of Arizona have also filed Federal complaints. I was subjected three weeks ago to a work-from-home order premised on the "threat" that I pose to my colleagues. I contacted UAPD, there is no record of any action or report concerning me, and I've never been subject of an OIE or other investigation, not just of my twenty years in the UA, but for the whole of my working life.

I am deeply concerned about the violating nature of the civil rights violations enacted at this university, and apparently facilitated by members of senior leadership. I anticipate further prohibited actions. I have an Equal

Opportunity Commission (EEOC) hearing very shortly, and we will be pursuing this matter through other channels. I hope that the Faculty Senate will take this matter seriously and investigate why such corrupt complaint handling has been allowed to continue.

Open Session Statement: Secretary Dysart (00:30:39)

I would just ask, if anyone is concerned that I am removing statements, I would encourage you talk to the Faculty Center. I have never intentionally removed anyone's statements.

I'm sure by now, most of you have seen the letter that the Chair and Vice Chair sent to the Secretary of Education regarding our pending accreditation change with WSCUC. You have also seen the letter that Senator Simmons and I plan to send in response. Our letter simply makes clear that the letter from the Chair and Vice Chair is not the product of Shared Governance, despite being on Faculty Center letter head. We welcome co-signatories to the letter we will be sending. I, for one, feel that a letter of this magnitude, sent by the Chair and Vice Chair, to a Federal Official, must go through Shared Governance Channels.

The allegations in the letter are very serious, if they are true and equally serious to the signatories, if they are untrue and misleading. I don't want there to be any assumption that I signed onto a letter that could potentially subject individuals to legal ramifications. I also appreciate the email from Senator Fellous.

I ran for Secretary of the Faculty and was elected by the entire General Faculty because I wanted to work with others, to make the University a better place, and to get to know other Faculty, Staff, and Administrators across the University.

I was a first-year law student when now, Justice Kagan, was announced Dean at Harvard. Although she and I disagreed on many things, as someone involved in student government at the time, and as a leader in student organizations, I worked closely with Dean Kagan during my time at Harvard. We developed such a great working relationship that she later hosted my law students at the Court for an oral argument and a question-and-answer period. That was a highlight of most of those students experience in Law School. That trust relationship that she and I developed while I was in Law School was essential to that later opportunity to my students.

During my tenure as Secretary, I've developed a similar relationship with some administrators. I am not afraid to tell them when they are wrong, in fact, I spent a good thirty to forty-five minutes this weekend doing that. My trust relationship has led to results. I hope we can move forward as a Senate on the issues that face our University, not simply relitigating issues in the past.

I ask that my opening statement be included in the minutes and that the [Chair's letter](#) and [responsive letter](#) that will be sent later this week also be included as attachments. Thank you.

5. STATEMENT FROM THE CHAIR OF THE FACULTY, LEILA HUDSON (00:33:54)

"I'd like to start by congratulating Senator Ted Downing on his eightieth birthday. Had he not returned by this morning, from a joyous, two-week celebration with his wife Carmen, and eighty of his closest friends in Oaxaca, Mexico, and asked me, "where is my open session statement?" we might have, on my watch, and with assurance, passed a version of the September twelfth minutes which had erased Ted's important, and now we see prescient, Open Session statement. It's only due to the extraordinary insights and resolve of the Dean of Senators, Dr. Marlys Witte, that we did not submit to the scolding of the Secretary to pass those fatally flawed minutes out of the expediency and our trust in one another. I'm going to put a local news account of Ted's celebrations in the chat.

Let me ask the Secretary of the Faculty, whose role is it to review the minutes, and who has loudly and repeatedly stated her frustration that the Faculty Senate Minutes have not been passed; and it who has had no less than six months to review, as is her constitutional duty, the minutes with the Faculty Center Staff, why Ted Downing's statement, which you can watch on the Zoom Recording from minutes forty to forty-two, of that meeting, was excluded from the minutes. Was it incompetence? I don't think so. Our Secretary is extraordinarily competent at her many duties. Is it because Senator Downing is a political rival who ran against the Secretary for her current position? I cannot say, but I doubt that the values of the Federalist Society which she is a proud member and campus faculty adviser would countenance that. Was it, perhaps a conflict of commitment or a conflict of interest, being too busy with managing the integration of UAGC into the University of Arizona in a role that she has not fully disclosed? Or is it because of the content of Senator Downing's Speech, his clarion call for us to live and protect our values of critical thought and academic freedom from a politically and ideologically motivated attack going on, as we speak across the country? There is no good answer.

Madam Chair, may I yield, thirty seconds of my time to the Secretary to answer this question?"

- Vice Chair Hymel stated she would allow Secretary Dysart to speak if willing to.
- Secretary Dysart stated, she would like to apologize to Senator Downing and she was not aware that his

statement was excluded; she stated she does not write the minutes, she reviews them. Secretary Dysart stated she assumed that all statements were included and she takes full responsibility that she did not double check, she stated she will be more diligent at double-checking in the future. Secretary Dysart stated by no means, does she consider Senator Downing as her rival, or would make any attempt to silence any particular individuals.

Chair Hudson stated, "Reclaiming my time. I ask the Secretary to consider resigning from her role, to spare herself any further embarrassment and the erosion of her professional reputation, which I know she holds dear. This will allow this body to finally get along and get on with the business of sharing governance of our university. And now, I hope we spend the rest of our time proceeding with the smoothing out of the mess that has accumulated over the last six months. Thank you."

6. CONSENT AGENDA: New Academic Unit iSchool – Co-chairs of the Graduate Council, Ron Hammer and Hong Cui (00:38:38)

The proposal aims at becoming established as an independent college. Currently, the iSchool is under Social and Behavioral Sciences. The Director, Katherine Brooks, presented to the Faculty Senate at the previous meeting therefore, Co-chair Cui stated herself and Co-Chair Hammer are available to answer any questions and share knowledge regarding the background of the iSchool.

Co-chair Hammer stated the iSchool proposal is a new unit. It is called the iSchool because most institutions around the country with such an institution called it the iSchool rather than an iCollege. It is a college whose time has come; questions are welcome.

- Senator Downing stated the idea is intriguing and he noticed the idea of a holodeck similar to StarTrek. Senator Downing stated he noticed the proposal stated, one of the reasons for using a holodeck if the iSchool had one, was to develop interdisciplinary experiences, he asked if Co-chair Hammer would use the holodeck for that purpose.
 - Senator Hammer stated he is not sure exactly what that would be used for but he imagines that it could be useful across institutions, across colleges, for collaboration, not simply for a StarTrek Bridge.
- Senator R. Witte stated this idea was new to him, so he reached out to several junior and senior Faculty in the Optical Sciences, Engineering, and the College of Medicine; in general, very few of them had heard of the iSchool. They were puzzled on why forming a new unit would be moved forward so quickly. Many of the individuals that were questioned pointed out that it seems to come from a Social and Behavioral Sciences centric initiative, even though this involves multiple STEM disciplines. Senator R. Witte stated he is slightly uncomfortable with moving forward to approve the unit, until there is more engagement from his colleagues and faculty to ensure they are vetted in this idea and given a chance to give input; he looks forward to seeing town halls on this to involve members of the community, to have a more open discourse. Senator R. Witte stated he is familiar with the AI, VR, 5G technology involved with the brain machine interface and there are legal, lawful, and ethical questions involved; he is interested to see how this will be overseen in addition to privacy aspects that will be implemented to avoid the risk of hacking. Senator R. Witte stated his suggestion for town halls or the creation of a task force involving a diverse group of people to look at the idea and provide their input to allow for an outside perspective.
- Vice Chair Hymel moved **[Motion 2022/23-57]** to move Consent Agenda Item: New Academic Unit iSchool to the March 13, 2023 Faculty Senate meeting. Motion was seconded. Motion passed with thirty-seven in favor, one opposed, and two abstentions.
 - Senator Fink asked if the two-week period will be enough time to get additional information which Senator R. Witte rightfully asked for. Senator Fink asked if the timeline should be pushed back until the April Faculty Senate meeting instead.
 - Senator Cui stated she has a similar question and would love to hear comments and feedback which can be sent to her or her director to ensure this gets onto the ABOR Agenda for their April meeting.
 - Vice Chair Hymel stated that for individuals who have comments or questions, to get those to colleagues by the March 13, 2023 meeting or the Senate Executive meeting the week before. Vice Chair Hymel stated that Senator Hammer can communicate whether everything has been ironed out.
 - Parliamentarian Stegeman stated he believed this to be an administrative reorganization that did not require ABOR (Arizona Board of Regents) approval and asked if there is a curricular program attached to it.
 - Co-chair Cui stated, she is sure it requires ABOR approval, it is a separate college which has been approved by the Dean's Council, Graduate College Academic Administrators Council (G-CAAC) and Undergraduate College Academic Administrators Council (U-CAAC) The Faculty Senate is the last group that needs to approve the item before being able to move to ABOR approval.

7. OLD BUSINESS

- Secretary Dysart requested to make a point of order and asked the Chair of the Faculty if she heard from a member of the Faculty Center Staff, stating that the staff member was not guided by Secretary Dysart nor her supervisor to remove Senator Downing's statement and when it was brought to her attention, she was willing to

include it and it was not done intentionally. Secretary Dysart asked for clarification on whether or not Chair Hudson heard that from an individual in the Faculty Center. (00:49:56)

- Chair Hudson asked Vice Chair Hymel is this is in order.
- Vice Chair Hymel stated this will be discussed later.

A. Senate Meeting Protocol, Senate Voting Resolution, and Proposed Procedure for Secret Ballots – Parliamentarian Mark Stegeman (00:50:55)

For several months, there has been a resolution concerning voting procedures attached to the agenda. This morning, a different procedure was requested which concerns the procedure for the secret ballots, this was not covered by the original proposal. It is more urgent to set standards for the secret ballot procedure and there are currently none in place.

There have been issues raised regarding technology, and concerns about the Qualtrics platform. The Law School is using an external vendor, OpaVote, which after testing, seems to be strong regarding anonymity; no one from the University of Arizona would have access to the votes. OpaVote generates a list of who voted, which is important and seems to fill the requirements. This platform is inexpensive, costing ten dollars per vote by the Senate; it is unsure who would pay for the fee but seems like a viable fee. Part of the resolution includes adopting the OpaVote technology.

- Senator Fink asked if there is a possibility to acquire a commercial or business site license for this product, instead of paying the ten-dollar fee, per Senator.
 - Parliamentarian Stegeman stated he did not view this as an option on OpaVote's website, and he has not personally contacted them to see if this is a possibility. Parliamentarian Stegeman stated his thoughts were, given the relative infrequency of Secret Ballots, it may be reasonable to pay ten dollars per Senator.
- Senator Tropman asked if the tool can be used for approvals, as it is voting can be lengthy for Faculty Senate meetings. Senator Tropman stated a roll call vote takes about twelve minutes and believes this should be instant; if OpaVote has other products available, perhaps the Faculty Senate can benefit from them.
 - Parliamentarian Stegeman stated this would be the same product which gives both an option for anonymity and viewing voters names. Parliamentarian Stegeman stated he agreed that may be a faster option than the standard procedure for roll-call votes although, he would need to review Robert's Rules to ensure this would be compliant.
- Senator M. Witte stated she brought up the issue of secret ballots which can be a defense against the overtness of a loyalty oath. Senator M. Witte stated there is a concern for roll-call votes which are taking up a lot of space within the minutes and is used to display loyalty; the President and Provost sit at opposite sides of the Senators during Faculty Senate meetings, which may be due to concern of expressing views. Senator M. Witte stated secret ballot money can be saved by using the paper method for in-person attendees.
 - Senator Ziurys stated she agrees with Senator M. Witte's statement.
 - Senator Simmons stated Senators represent others, if the entirety of a Senator's thoughts are included in the minutes due to the idea of transparency, there should be a record of Senators vote to document where everyone stands.
 - Parliamentarian stated Robert's Rules do not allow for much flexibility regarding when secret ballots take place, there is more flexibility for roll call votes; secret ballots are for the will of the senate where the majority of the Senate votes to have a secret ballot; this idea is different than roll call votes where the Constitution allows for seven members of the Senate to call for a roll call vote. Parliamentarian Stegeman guided Vice Chair Hymel, where in the situation when someone asks for a roll call vote, instead of going through the formal process of a motion, she can ask for a show of hands, it would be acceptable to hold a roll call vote if seven hands were raised; in this case, if someone were to call for a secret ballot vote, they would have to gain enough votes on the motion, these procedures will be included in the resolution.
- Chief Information Officer, Barry Brummund stated OpaVote's website shows it may cost about one-hundred-and-sixty dollars per vote, which covers two-thousand voters and up to three-hundred-and-twenty candidates.
 - Parliamentarian Stegeman stated he was referring to the website in regard to voting on motions within the Senate, the website showed simple voting, with a population of seventy persons costs only ten dollars.

B. Possible Action Item: Constitution and Bylaws Changes; Memo from Constitution and Bylaws Committee, Senate Report, Letter from President, Faculty Constitution, Faculty Bylaws, Rationale, Bylaws Changes, Default Report, Constitution and Bylaws Committee Suggested Changes – Secretary of the Faculty, Tessa Dysart (01:02:56)

There was a [memorandum sent by the Constitution and Bylaws Committee](#) which provides a brief background of the work that's been done regarding revising for Constitution and Bylaws. There was a set of Constitution and Bylaws sent to the President's Office. It was later heard that the documents the President's Office received were marked up with tracked changes and did not comport with the documents posted on the website. After working with Faculty Center Staff and support staff with from the College of Law, to reconstruct the documents including some proposed "housekeeping" changes passed by the Senate that may have not been worked into the documents sent to the President's Office.

Secretary Dysart stated she went through the documents posted to the Faculty Governance websites, and the three or four sets of voting records from the Senate which started in about 2020. All the changes were inputted as tracked changes and the changes were ones that had to be approved through the process outlined in the Constitution and Bylaws. The documents were then sent to the President's Office for approval. The President's Office did not have full confidence that the Senate or the General Faculty understood the documents they were voting on. After months of waiting, the Senate has been asked to affirm the documents that were attached to the agenda, are the current Constitution and Bylaws documents.

If there is a vote to affirm the documents, they will be sent to the President's Office and they will hopefully, be promptly approved or disapproved so there can be working versions of the documents, and subsequent changes can be made. If they are not affirmed, the Faculty Senate will be returned to square one with the documents as they were in 2020.

Secretary Dysart stated she welcomes questions, and this has been a product of significant work, to shape a path forward for amending documents for the future.

- Senator Stegeman stated he endorses the proposal to affirm the current draft of the posted, Constitution and Bylaws.
- Senator M. Witte stated she would like to clarify the process, she believes the Senate approves something for it to then go to the General Faculty, then the President. Senator M. Witte stated there was concern about the number of Faculty who voted and was unsure if there was a quorum expected for a Faculty Vote for the item to be passed to the President. Senator M. Witte stated she wants to be assured that housekeeping changes which were rejected, including disenfranchising emeritus faculty, are not included as approved.
 - Secretary Dysart stated the documents included within the agenda demonstrate all included and excluded items. There were votes taken by the Senate on whether items were housekeeping or not, those votes are also included. Only items that were included by the requisite margins were included. Secretary Dysart stated she believes housekeeping changes do not go to the general faculty and go directly to the President's Office. The documents can be affirmed and sent to the General Faculty for a vote if the Senate wants, although it will take more time and may create confusion. Secretary Dysart stated she was told the changes need to be approved by both the President's Office and ABOR, affirmation by the Faculty Senate would be sufficient as items have already been presented to the General Faculty.
 - Senator Stegeman stated he would like to reinforce Secretary Dysart's statement, there were twenty-six total changes, sixteen were housekeeping and ten were sent to the General Faculty. The voting procedures were correct, and everything passed adequately. Senator Stegeman stated, the only issue he can view, in preparation for the votes, is whether Faculty had a current version of the Constitution and Bylaws and whether that may have changed their vote. Senator Stegeman stated it is unlikely that small errors in the presentation of the Constitution and Bylaws would've changed votes and he is comfortable with the determination that processes were satisfied; if the affirmation is not completed, there will be delays on other items that regard the Constitution and Bylaws.
 - Senator Downing stated his gratitude for Secretary Dysart's work to untangle votes. It is very difficult to determine the current version of the Constitution and Bylaws on the Faculty Governance website, there is a hope that this will be improved.
 - Senator Simmons asked if there is a better system for tracking the versions of the Constitution and Bylaws as it is a living document.
 - Secretary Dysart stated one of the changes that has made is to place specific language that was passed in the minutes as this was not previously included; the second change includes improved document control where fewer individuals are working in the documents.
 - Senator R. Witte asked who is responsible for ensuring this item goes to the General Faculty then processed to the President.
 - Staff Member, Jane Cherry from the Faculty Center stated she sent the documents after the former employee worked with Michael Brewer on the changes.
- Vice Chair Hymel moved **[Motion 2022/23-58]** that the Senate resolves that the revisions of the Constitution and Bylaws, attached to its current agenda, accurately reflects (i) all changes to those documents prior to last Spring's faculty votes and (ii) the changes approved by the Faculty last spring, and affirms the legitimacy of those votes. Motion was seconded. Motion passed with thirty-eight in favor, none opposed, and one abstention.

C. Discussion and Action on Resolutions from Committee of Eleven Report – Chair of the Faculty, Leila Hudson

Chair Hudson moved **[Motion 2022/23-59]** that the Faculty Senate charged all Senate and University-wide committees to develop or update and review their operating guidelines before the end of AY22-23, with updated guidelines to be housed in the Faculty Center and published on the Faculty Governance website. Guidelines will begin with any and all charges, and descriptions from Faculty Constitution and Bylaws. Motion was seconded.

Motion passed with thirty-four in favor, none opposed, and one abstention.

- Senator Jones asked for clarification regarding university committees and asked which committees this will pertain to.
 - Chair Hudson stated she was referring to a category of committees which include the Undergraduate Council, Graduate Council, and University-Wide General Education Committee which are designed as University committees in the Constitution and Bylaws for the Faculty Senate. Chair Hudson stated she is not referring Staff Council or other university committees that happen to be committees in the university, nor departmental or student committees.
- Chair Hudson moved [**Motion 2022/23-60**] the Faculty Senate requires all stipends/OPS, “other professional surface,” for Faculty Officers, elected Senators, Senate, Faculty and University Committee Chairs, and elected members of SPBAC, C11, CAFT, and the Committee on Conciliation will be disclosed to the Senate and listed publicly on a dedicated page on the Faculty Governance website.
 - Senator Stegeman stated such compensation information is a public record under State Law and would be discoverable through a public records request, regardless of the Senate’s action. Senator Stegeman asked if this statement is accurate.
 - Chair Hudson stated she believes this statement is accurate; the information is difficult to access through the UAIR system as it requires a VPN which a lot of individuals have trouble with. Chair Hudson stated due to the reason of the information not being easily available, it is important to voluntarily disclose the information, and make it publicly available in one place.
 - Senator Downing stated in efforts to rebuild trust, this motion is important. Senator Downing stated if he were making the decision to join a committee, he would like to know if anyone involved within the committee is receiving supplemental compensation; it is not easy to find optional payments as it is to find an individual’s salary.
 - Senator M. Witte stated the supplements seem to have greatly escalated, the idea of information being accessible is an important one. Senator M. Witte stated until five years ago, there was an ability to look up employees by their unit, see state salary, and every source of one’s salary and funds; a copy of this was in special collections and any citizen was able to view this. Senator M. Witte stated there is a giant conflict of interest and transparency is important regarding having the ability to view salaries.
 - Senator Ziurys stated it is difficult to find people’s salaries on the internet and her understanding is that payments made from the UA Foundation are hidden. Senator Ziurys stated the University goes to great lengths when submitting conflicts of interest during applications for grants, viewing of salaries are also conflicts of interest and should be made public.
 - Senator Hammer stated this is an important aspect of disclosure in terms of potential conflicts of interest; merely having a disclosure or something to disclose does not mean it is a conflict of interest; a disclosure itself is transparency. Senator Hammer stated such stipends, or OPS do not always come as salary stipends and can come as a research supplement to be used as research funds, development funds, or professional funds.
 - Vice Chair Hymel stated there is no discussion on legal conflict of interest and building trust is important.
 - Secretary Dysart asked where the disclosure stops and asked why it is only targeting OPS as there are Senate member who are a part of the Union. Secretary Dysart stated with respect to stipends, some people agree to service without knowing they are receiving a stipend, and this may be an idea to consider.
 - Senator R. Witte stated his understanding is, this would be good practice to declare any potential disclosure, of any potential conflict of interest, and it is voluntarily; it is not a disclosure of particular financial compensation but may indicate how resources are distributed.
 - Senator Simmons stated he values transparency but this resolution may require additional thought as there is an assumption, with the preamble that will be removed regarding conflict of interest, along with OPS; there might a be a quid pro quo associated with it, particularly in terms of compensation. Senator Simmons asked how far this will be taken, if it will be stopped at OPS, and asked what about promotions, merit raises, appointments to committees, and technology refreshes.
 - Every action is tied to a form of compensation that an administrator has to approve, and this isn’t about conflict of interest; there are a lot of different facets worked in, where the goal is to make the institution better and represent an individual’s units, colleges, and unions.
 - There are many interests including those which were brought up earlier in the meeting, which he viewed as out of bounds such as someone’s political association and asked where the line will be crossed regarding disclosure of different interests.
 - There is currently a treacherous path in place and there are appropriate groups to consult with regarding conflicts such as the Office of Conflict of Interest and wonders why there is a focus on this and not other conflicts of interests. This includes whether an Associate Dean should be able to run in Faculty elections and Chair of important Faculty Governance Committees; they serve at a leisure of their deans and have real power to coerce the faculty, which seems like a conflict of interest.

- This seems less about conflict of interest within the institution and Faculty Senate body but more in line with a particular agenda. Senator Simmons stated the timing strikes him as a retribution, it was seen before with the Nominating Committee, when members didn't align with the Chair, the next day they were relieved from their duties via email. Senator Simmons asked why this wasn't brought up as an issue when the Chair and Vice Chair received thousands of dollars in stipends and research funds for serving in their roles, and why this wasn't an issue when an Associate Dean received a stipend as they became Chair of APPC.
- Senator Simmons stated recently it was stated that Secretary Dysart and himself received stipends from the UAGC working group. Senator Simmons states since then, they have been targeted, he went to a Committee of Eleven meeting where he was interrogated about his participation, where he was 100% honest and gave amounts of his stipends, and when payouts took place. The information has been secretly weaponized by several of the colleagues in the meeting to introduce this policy change. Senator Simmons stated his transparency was met with scheming, this is not about transparency nor conflict of interest, it is about the Chair of the Faculty attempting to use her power to extract exact retribution on the members of the Faculty Senate body who do not agree with her.
- Senator Simmons stated people have spoken up about retaliation on the Faculty Senate body many times and wonders for those who stood up against retaliatory action when it was done by an administrator, also takes a stand against the chair when she takes aim at other faculty members and to all senators. Senator Simmons asked whether there will really be a stand taken for this and suggested sending a message that these forms of retaliation are not acceptable, and the Senate will not stand for it.
- Senator Ziurys stated she does not understand what is so onerous about making OPS and additional stipends public for doing University service and doesn't believe it is a weapon of attack.
- Senator M. Witte stated Secretary Dysart and Senator Simmons seem to be concerned about where this will end up, the concern is where it will begin which is the most obvious that the stipends that Senators received be disclosed, this is a beginning to transparency.
- Senator Spece stated that the actions taken by Senator Simmons was the most egregious, ludicrous attack he has even seen on someone and is not the way that someone should behave. Senator Spece stated "he who protests too much," directed at Senator Simmons.
- Senator Stegeman stated his comments are not directed at anyone, but he is concerned about personal comments, and criticisms of particular senators; there should be focus on the substance of the motions and not the motives of people or personal circumstances.
 - Senator M. Witte stated it is appropriate to call out the actions taken by individuals.
- **[Motion 2022/23-60]** was seconded. Motion passed with thirty-one in favor, six opposed, and two abstentions.

Secretary Dysart moved **[Motion 2022/23-61]** to adjourn and carry out the third Resolution to the March 13, 2023 meeting as an old business item. Motion was seconded. Motion passed with twenty-one in favor, eighteen opposed, and one abstention.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:57 p.m.

POST ADJOURNMENT

Chair Hudson stated Keiron Bailey was expelled from the meeting by a host or co-host and requested that it be on the record.

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

Motions of September 12, 2022 Faculty Senate Meeting

[Motion 2022/23-52] to approve the Faculty Senate Agenda. Motion was seconded. Motion passed unanimously.

[Motion 2022/23-53] to approve the September 12, 2022 Faculty Senate Minutes. Motion was seconded. Motion passed with forty in favor, none opposed, and no abstentions.

[Motion 2022/23-54] to approve the October 3, 2022 Faculty Senate Minutes. Motion was seconded. Motion passed with forty in favor, none opposed, and one abstention

[Motion 2022/23-55] to approve the November 7, 2022 Faculty Senate minutes. Motion was seconded. Motion was approved with forty-one in favor, none opposed, and two abstentions.

[Motion 2022/23-56] to table the February 6, 2023 minutes to the March 13, 2023 Faculty Senate meeting. Motion was seconded. Motion was approved with thirty-one in favor, two opposed, and three abstentions.

[Motion 2022/23-57] to move Consent Agenda Item: New Academic Unit iSchool to the March 13, 2023 Faculty Senate meeting. Motion was seconded. Motion passed with thirty-seven in favor, one opposed, and two abstentions.

[Motion 2022/23-58] that the Senate resolves that the revisions of the Constitution and Bylaws, attached to its current agenda, accurately reflects (i) all changes to those documents prior to last Spring's faculty votes and (ii) the changes approved by the Faculty last spring, and affirms the legitimacy of those votes. Motion was seconded. Motion passed with thirty-eight in favor, none opposed, and one abstention.

[Motion 2022/23-59] that the Faculty Senate charged all Senate and University-wide committees to develop or update and review their operating guidelines before the end of AY22-23, with updated guidelines to be housed in the Faculty Center and published on the Faculty Governance website. Guidelines will begin with any and all charges, and descriptions from Faculty Constitution and Bylaws. Motion was seconded. Motion passed with thirty-four in favor, none opposed, and one abstention.

[Motion 2022/23-60] the Faculty Senate requires all stipends/OPS, "other professional surface," for Faculty Officers, elected Senators, Senate, Faculty and University Committee Chairs, and elected members of SPBAC, C11, CAFT, and the Committee on Conciliation will be disclosed to the Senate and listed publicly on a dedicated page on the Faculty Governance website. Motion was seconded. Motion passed with thirty-one in favor, six opposed, and two abstentions.

[Motion 2022/23-61] to adjourn and carry out the third Resolution to the March 13, 2023 meeting as an old business item. Motion was seconded. Motion passed with twenty-one in favor, eighteen opposed, and one abstention.

Attachments within the Minutes

1. Page 1, Item 2: Approval of the [Faculty Senate Agenda](#) for February 27, 2023
2. Page 1, Item 3: Approval of the minutes of:
 - a. [September 12, 2022](#) Faculty Senate Meeting
 - b. [October 3, 2022](#) Faculty Senate Meeting
 - c. [November 7, 2022](#) Faculty Senate Meeting
3. Page 3, Item 4: OPEN SESSION STATEMENT: Secretary Dysart
 - a. [Chair Hudson's Letter](#)
 - b. [Responsive Letter](#)
4. [https://facultygovernance.arizona.edu/sites/default/files/2023-03/NACIQI_February_22_2023_\(1\)\(003\)\[44\]\[12358\].docx](https://facultygovernance.arizona.edu/sites/default/files/2023-03/NACIQI_February_22_2023_(1)(003)[44][12358].docx)Page 4, Item 6: CONSENT AGENDA: [New Academic Unit iSchool](#) – Co-chairs of the Undergraduate Council, Ron Hammer and Hong Cui
5. Page 5, Old Business Item 7A: Senate Meeting Protocol, [Senate Voting Resolution](#) and [Proposed Procedure for Secret Ballots](#) – Parliamentarian Mark Stegeman
6. Page 6, Old Business Item 7B: Possible Action Item: Constitution and Bylaws Changes – Secretary Tessa Dysart
 - a. [Memo from Constitution and Bylaws Committee](#)
 - b. [Senate Report](#)
 - c. [Letter from President](#)
 - d. [Faculty Constitution](#)
 - e. [Faculty Bylaws](#)
 - f. [Rationale](#)
 - g. [Bylaws Changes](#)
 - h. [Default Report](#)
 - i. [Constitution and Bylaws Committee Suggested Changes](#)
7. Page 7, Old Business Item 7C: Discussion and Action on [Resolutions](#) from Committee of Eleven Report – Chair of the Faculty, Leila Hudson