

November 1, 2023

Professor Leila Hudson
Chair of the Faculty
University of Arizona Faculty Senate

Dear Leila, I write to you frankly but with full respect for you in your capacity as Faculty Chair. I hope that you will consider what I have to say in this message in the the light of both of the letter I sent to you on October 11, 2023, regarding the Senate's Donor Influence Committee and also your email quoted below (and here set in italic), that you sent to Professor Michael McKenna (with a copy to me and others) on October 31, 2023. There you wrote:

"Dear Michael,

"Thanks for your email. I assembled the committee to look into the effects of donor influence on the academic mission of the University and assigned as chair the faculty colleague most familiar with the context, the allegations, and the documentary record of what have been alleged to be ideologically motivated contributions to the University of Arizona. For that I make no apology. As you surely know (from the work of Jane Mayer, Nancy McLean, and others) the question of "dark money" in academia is a matter of national concern, and questions about the effect of Koch network donations on various units in SBS and the University has been a matter of speculation in our community for a decade and a half. I wanted them formally assessed and addressed with critical and methodologically rigorous faculty scrutiny. Since shared governance has no material resources to speak of, I've learned to call upon people who are committed and knowledgeable to keep our faculty committees from languishing in gridlock and inaction. Committees are the start, not the end, of governance processes. I hoped that the Freedom Center (et al.) would welcome the chance to engage formally with criticism in a meaningful demonstration of civil debate and academic freedom.

In response to your question about why the committee members felt intimidated, I refer you to part of the response by the Freedom Center. The section entitled "Defamation Per Se" suggested - in its legalistic tone and invocation of a specific legal concept - the threat of lawsuits against members of the committee. Intentionally or not, it had a chilling and alarming effect on some members of the group. I'm glad to hear so emphatically that that was not anyone's goal.

I look forward to seeing you on Monday and continuing to work through our different interpretations of the process we're slogging through in hopes of arriving at a longer term understanding on the key issues of academic freedom."

I must take strong exception to some of what you state above and observe that as the elected Faculty Chair it is your duty to represent **all** of the University's faculty. However, You remark, "questiontions about the effect of Koch network donations on various units in SBS and the University has been a matter of speculation in our community for a decade and a

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half.” But you fail to define who might constitute this cryptic community to which you refer. It could not include all of the University faculty since various members of the faculty have strenuously objected to your actions in forming the Donor Influence Committee. Perhaps you will trouble now explicitly to identify the members of this rump community to which you refer so as to distinguish it from the University faculty, all of whom it is your responsibility to represent. Moreover, alarmingly and without embarrassment you predicate your peculiar actions regarding the Committee not on well informed carefully collected data but rather upon what you acknowledge to be mere speculation, speculation that you do not bother to specify. And you strikingly admit *“I assembled the committee to look into the effects of donor influence on the academic mission of the University and assigned as chair the faculty colleague most familiar with the context, the allegations, and the documentary record of what have been alleged to be ideologically motivated contributions to the University of Arizona. For that I make no apology.”*

That stunning admission acknowledges that by unilaterally forming the Committee and appointing its ill-chosen chair – who is the admitted source of some of the mentioned allegations - you irresponsibly violated the University’s common norm that assessors of faculty and unit performance are to be not only qualified in the scholarly areas of those to be assessed but also both antecedently unbiased and free of conflict of interest. That same norm ensures that the assessed are to be informed of their assessment and its procedures. As such the norm aims to preserve academic freedom by requiring procedural propriety. Your failure to accommodate this important norm is an egregious failure in your duties as Faculty Chair and itself threatens academic freedom. Beyond this shocking failure is the shameful fact that you have not publicly provided any formal written charge issued to the Committee upon your creation of it. Compounding these failures is the lamentable issue that, as a member of a College of Social and Behavioral Sciences you characterize the Committee’s shoddy deliberations as “methodologically rigorous faculty scrutiny”. Given the careless character of the Committee’s report your remark is beyond preposterous and betrays a deep misunderstanding of the methods of serious social science. Additionally, the covert procedure that you irresponsibly initiated ignores that, during the period you mention, both the Center for the Philosophy of Freedom and the Department of Philosophy successfully underwent the regular periodic reviews conducted by faculty and required by ABOR and University polices, policies adopted consistent with, and implemented through, shared governance.

So, perhaps the very best that can be said of your action in establishing the Door influence Committee is that you egregiously overreached your authority and demonstrated that you are unaware of the ways in which the University Handbook for appointed Personnel governs faculty reviews and how the University Financial Services Manual specifies the administration of gifts and donations. Thus, it would regrettably seem that unless you should now amend your management of this badly bungled matter, you may no longer merit the confidence of the faculty in your role as Faculty Chair. You were elected by the faculty, not a biased cabal of whispering conspirators bent on diminishing the achievements of others.

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I respectfully request that you make this message from me to you available to all members of the Faculty Senate and that it be included in the minutes of any meeting at which and the report of the Donor Influence Committee is considered.

I do not doubt that you have acted with the best of intentions in connection with the Donor Influence Committee. But now is the occasion to repudiate the Committee and forever reject its recommendation so that you and the Senate might properly and responsibly represent the faculty of the University as we move into our common fraught future.

Respectfully,

A handwritten signature in blue ink, appearing to read "J. Maloney", with a long horizontal flourish extending to the right.

J. Christopher Maloney
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