

Academic Freedom and Climate Taskforce Report

Introduction

A group of six faculty members appointed by Faculty Chair Leila Hudson met several times throughout early 2023 and well into 2024 to discuss and study the working climate at the University of Arizona. Hudson charged the committee with preparing “a preliminary white paper on threats to academic freedom nationally, at the state level and specifically applied to the University of Arizona—by March 2023 (negotiable!) with subsequent reports as the committee sees appropriate, and a final set of recommendations to the Faculty Senate by December 2023.” This report will likely be the first in a series of white papers since the “threats to academic freedom” emerge on a weekly basis in U.S. universities and is a hugely important topic that will require gathering more feedback from faculty and staff. In this report, the committee focused almost exclusively on institutional climate and its attendant issues.

Methodology

To conduct this assessment, the committee developed a survey to ask faculty and staff about their levels of confidence in interacting with various offices on campus that are tasked with policy compliance. Such offices include the President’s Office, the Provost’s Office, the Office of the General Counsel, Human Resources, and the Office of Diversity and Inclusion. The committee circulated the survey to U of A faculty on February 20th, 2024. The survey itself consisted of 34 questions/prompts that asked respondents to consider a range of issues. The survey sought to capture how often faculty and staff utilized reporting and complaint mechanisms at the University; how confident faculty and staff are in the processes and offices involved in investigating these complaints; and whether whistleblowers who formalized their complaints experienced acts of retaliation. 370 faculty members responded to the survey.

A basic question for the committee included, “How comfortable are you to complain about working conditions at the University of Arizona?” Although this question entails confronting acts of discrimination, retaliation, and the silencing of dissenting viewpoints, the committee was genuinely interested in measuring faculty and staff confidence in established processes of reporting problems within the institution. In addition, the committee sought to assess how willing colleagues are to complain and speak out about problematic workplace conditions, as well as whether a favorable resolution ensued when they did complain.

In what follows, the committee provides a list of the questions, a general summary of the data and trends that the committee perceived in the responses:

Question 1: *How would you rate the level of support you receive within your working environment?* Out of 362 respondents, 62% rated the level of support as “Extremely to Somewhat Supportive” while 24% rated the level of support as “Somewhat to Extremely Unsupportive.” No comment box was provided for this question; however, an open-ended response was provided at the end of the survey in Question 34. This was true for each question that did not have a comment box.

Question 2: *If you have concerns about the working climate in your department, how confident are you that your supervisor would actually address them?* Out of 354 respondents, 61% were “Extremely to Somewhat Confident” while 21% were “Extremely Skeptical.” No comment box was provided for this question.

Question 3: *U Arizona and the Arizona Board of Regents have implemented policies to deal with allegations of harassment and to protect whistleblowers. How confident are you that these policies will actually be followed if you needed to use them?* Out of 358 respondents, 22% were “Very Confident to Confident” while 47% were “Extremely Skeptical to Skeptical.” No comment box was provided for this question.

Question 4: *How clear is the relationship between these ABOR and university policies and procedures, which are supposed to protect whistleblowing, and the actual operationalization of the protections described in these policies and procedures?* Out of 341 respondents, 13% felt that they were “Extremely to Somewhat clear” while 54% felt that they were “Extremely to Somewhat unclear.” No comment box was provided for this question.

Question 5: *ABOR 6-914 (Protection of Employees from Reprisal For Whistleblowing--- <https://public.powerdms.com/ABOR/documents/1499367>), which deals with whistleblower complaint handling and retaliation, is not currently operationalized at UArizona as the policy states. All whistleblower complaints are being directed to the Provost's Office. Do you see any potential problems with this current Arizona practice, which is a deviation from the explicit ABOR policy?*

Comment: In ABOR 6-914, multiple avenues for serving a whistleblower complaint are provided, including through any University officer, the Arizona Board of Regents, the Arizona state legislature, and the Governor’s Office. By limiting the avenue of reporting to the University’s Provost, the University is creating a serious conflict of interest since the Provost might be the subject of the complaint.

Only 5 written responses were received for this question.

Respondents viewed this discrepancy between practice and policy as revealing an apparent conflict of interest with the Provost's Office, which handles whistleblower complaints, especially since all academic units report to the Provost. Respondents stated that it is of significant concern that the policy is not being operationalized as the written policy states. Furthermore, respondents noted that this deviation from the written policy would dampen a whistleblower's willingness to go forward with her complaint

Question 6: *If you have filed a grievance through the grievance clearing house in the past 5 years, please specify in the box below: a) the nature of the grievance; b) how GCC handled your grievance; c) if you requested a CAFT hearing; d) if you received a CAFT hearing; e) the results of the CAFT hearing if you had one; and f) whether the President accepted the CAFT ruling/recommendation?*

Only 6 responses were received for this question.

Respondents provided brief written responses to this question about filing a grievance in the last five years. Most responses just indicated "N/A". Respondents who did file grievances alleging violations of academic freedom reported being dissatisfied with the process, especially since the President's Office could reject a Committee on Academic Freedom and Tenure recommendation that a grievant's rights had been violated. Other respondents indicated that the grievance did not go anywhere because the Grievance Clearinghouse did not refer it to CAFT or any other committee. In instances where a CAFT hearing did take place, respondents reported that the President often did not accept any of the CAFT hearing committee's recommendations. In those instances where the President did not accept the CAFT hearing committee's recommendations, respondents expressed frustration with the President's reasoning, which seemed geared toward protecting previous decision making by college deans and department heads.

Question 7: *If you have experienced a discriminatory act during the course of your work at the UA did you report this act?* Out of 230 responses, 22% said "Yes" and 78% said "No." No comment box was provided.

Question 8: *Was an appropriate process followed in handling the complaint?* Out of 106 responses, 23% said "Yes" and 77% said "No." No comment box was provided. It appears that many respondents who provided a "No" response to this question actually meant the question did not apply to them.

Question 9: *If you have experienced a harassing act during the course of your work at the UA did you report this act?* Out of 106 responses, 31% said "Yes" and 69% said "No." No comment box was provided.

Question 10: *Was an appropriate process followed in handling the complaint?* Out of 90 responses, 27% said “Yes” and 73% said “No.”

Question 11: *If you answered “No” to the question above [Question 10], what measures and/or procedures would you suggest be put in place to handle such complaints?*

It appears that many respondents who provided a “No” response to this question actually meant the question did not apply to them.

Three individuals indicated that there was much work needed to improve trust, transparency and easy access to the process without burdening the affected person.

One person indicated that an easier and expedited access to the Ombudsperson and independent, neutral assessment and mediation would be helpful.

One person gave a specific example of a student sending a threatening email and the Dean of Students’ failure to ensure that the faculty member was protected from the alleged threat. The Dean of Students seemed focused only on the student’s due process rights.

Question 12: *If you answered “No” above [Question 10], please state your reason for not reporting.*

[only received four responses]:

“Not sure anything would happen and it would take a lot of time to deal with.”

“Too complex to go into here.”

“N/A”

“I asked the person affected and they wanted to report themselves.”

“N/A”

“I answered “No” to #7 because I have “No” discriminatory act to report. I can’t unclick it though.”

Question 13: *If you have experienced a retaliatory act during the course of your work at the UA did you report this act?* Out of 125 responses, 30% said “Yes” and 70% said “No.” No comment box was provided.

Question 14: *If you answered “Yes” to Question 13, was an appropriate process followed in handling the complaint?* Out of 38 responses, 29% said “Yes” and 71% said “No.” No comment box was provided. It appears that many respondents who provided a “No” response to this question actually meant the question did not apply to them.

Question 15: *What measures and/or procedures would you suggest be put into place to handle such a complaint?* Respondents only provided four responses to this question.

“It’s complicated. Easier and expedited access to ombudsperson, independent, neutral assessment and mediation would be helpful.”

“There needs to be more avenues to report things anonymously while also being able to receive information on how the institution responded.”

“Right now there is much distrust of the administration, that would need to be changed first.”

“Policies that would protect someone from retaliation that would effect job security and satisfaction.”

Question 16: *If you answered “No” above [Question 13], please state your reason for not reporting.* Respondents indicated that they knew there would be no support for the complaint, that nothing would be done, that there would be no repercussions for the person in power, and that justice would not be served.

Question 17: *Do you believe that UA uses workplace surveillance/AI software to monitor your activity?* Out of 171 responses, 41% said “Yes” and 59% said “No.” No comment box was provided.

Question 18: *Do you believe such monitoring is, or would be, improper?* Out of 342 responses, 77% indicated “Yes,” 9% indicated “No,” and 14% were “Not Sure.” No comment box was provided.

Question 19: *Do you believe the UA monitors faculty emails?* Out of 349 responses, 35% said “Yes”, 21% said “No” and 44% were “Not Sure.” No comment box was provided.

Question 20: *Do you believe that such monitoring is, or would be, improper?* Out of 347 responses, 78% said “Yes”, 11% said “No” and 11% were “Not Sure.” No comment box was provided.

Question 21: *Do you believe the UA monitors staff emails?* Out of 347 responses, 33% said “Yes”, 19% said “No” and 48% were “Not Sure.” No comment box was provided.

Question 22: *Do you believe such monitoring is, or would be, improper?* Out of 345 responses, 76% said “Yes”, 12% said “No” and 12% were “Not Sure.” No comment box was provided.

Question 23: *Do you believe the UA monitors student emails?* Out of 346 responses, 23% said “Yes”, 21% said “No” and 56% were “Not Sure.” No comment box was provided.

Question 24: *Do you believe such monitoring is, or would be, improper?* Out of 344 responses, 73% said “Yes”, 12% said “No” and 15% were “Not Sure.” No comment box was provided.

Question 25: *Do you feel free to complain about conditions at the University of Arizona?* Out of 342 responses, 47% said “Yes” and 53% said “No.” No comment box was provided.

Question 26: *How confident are you in the current administration’s ability to investigate faculty complaints?* Out of 349 responses, 15% were “Extremely to Somewhat Confident,” while 72% were “Extremely to Somewhat Skeptical.” No comment box was provided.

*This question is not intended to apply to President Garimela.

Question 27: *What is your level of trust in the current administration (President Robbins and his management team)?* 11% indicated their trust was “Extremely to Somewhat High” while 89% indicated their trust was “Extremely to Somewhat Low.” No comment box was provided.

Question 28: *Have you ever had occasion to seek out the advice of the University Office of the General Counsel?* Out of 349 responses, 28% said “Yes” and 72% said “No.” No comment box was provided for this question, but comments about the OGC were provided in response to Question 31. Some of these comments included the following themes:

Although about one-third of respondents stated that they had sought out legal advice from the OGC, a range in levels of satisfaction in that interaction is apparent. While some respondents were highly satisfied with their interactions, other respondents were deeply dissatisfied, viewing the OGC as participating in efforts to cover up malfeasance in the University. Respondents noted satisfaction with training sessions the OGC offered to departments on various matters. On the other hand, respondents noted that the OGC exists to protect the institution from the faculty and staff, as well as frustration that an administrator has to sign off on a faculty member’s request to seek the OGC’s advice.

Question 29: *If you did approach the OGC for advice, what was your level of satisfaction with the advice you received?* Out of 111 responses, 55% were “Extremely to Somewhat Satisfied” while 25% were “Extremely to Somewhat Dissatisfied.” No comment box was provided, but comments about the OGC were provided in response to Question 31. Some of these comments included the following themes:

Many respondents found it problematic that faculty who sought legal advice from the OGC had to obtain a supervisor's approval. For example, the OGC only provides legal advice to administrators. Thus, a faculty member who seeks legal advice must receive permission from his administrative superior who then submits the form to the OGC. OGC then responds to the administrative superior, who interprets and transmits OGC's legal advice to the faculty member. Administrators may have a conflict of interest in transmitting in the OGC's legal advice to a faculty member since they might be implicated in the conduct the faculty member is inquiring about. This potential conflict of interest that surrounds the solicitation of OGC advice should be investigated and possibly corrected.

Question 30: *The Office of General Counsel's formal role is to provide legal advice to university administrators. If you as a faculty member wish to receive legal advice to inform your decision making and risk assessment, you are required to obtain your administrative supervisor's approval. How would you characterize the U Arizona OGC's stated role in only providing legal advice through administrators to faculty?* Out of 293 responses, 61% of respondents felt that it was "Very to Extremely Problematic," while 39% felt that it was "Somewhat to Not at All Problematic." No comment box was provided, but comments about the OGC were provided in response to Question 31. Some of these comments included the following themes:

Respondents focused on the fact that the OGC exclusively represents ABOR and administrators on campus. Faculty cannot seek legal advice from the OGC directly. Instead, the faculty member must receive permission from a unit head or Dean to obtain the legal advice they seek. This chain of command is problematic if the unit head or other administrator is potentially breaking the law.

Question 31: *If you have additional thoughts about your experiences within the University dealing with harassment, discrimination, whistleblowing, workplace conditions, etc. that you would like to provide to the academic freedom and climate committee, please use the space below to do so.*

Respondents generated over fifty comments to this prompt. These comments covered a wide spectrum of topics, including complaints about the ineffectiveness of offices on campus that are responsible for investigating complaints about discrimination and harassment; to observations about department heads possessing too much power; to grievances about upper administration and specific administrators; as well as criticisms about the survey itself.

Question 32: *Have you ever filed a complaint during your time at U Arizona about violations of state or federal law with the Equal Employment Opportunity Commission, the Office of Civil Rights, the Arizona Attorney General's Office, or the U.S. Department of Justice?* Out of 319 responses, 3% said "Yes" and 97% said "No." No comment box was provided.

Question 33: *If you answered “Yes”, to the question above, please specify which office you filed your complaint with:* Out of 11 responses, 45% said the Equal Employment and Opportunity Commission, 18% said the Arizona Office of Attorney General and 36% said Other. No comment box was provided.

Question 34: *If you answered the question above and indicated that you did report your concern about the UArizona work environment to an outside agency, please provide more details about the nature of the complaint that you submitted for external investigation and complaint handling.*

The survey only received a handful of responses to this prompt.

Recommendations:

1. Improve the institutional climate at the University of Arizona by promoting increased transparency around the implementation of written policies. Many survey respondents seemed uncertain about their rights on key issues when it comes to protecting their rights and for locating a proper outlet for a grievance. These respondents had grown cynical that their rights would be enforced, seemingly convinced that any complaint would be buried within the institutional bureaucracy or lead to retaliation. This trend is worrying for the long-term health of the University.

The Faculty Chair should request that the Office of the President and the Board of Regents appoint a Taskforce to identify the administrative actions and channels that are producing these levels of uncertainty and distrust; map the complaint processes for protecting rights via the key criteria of discrimination, harassment and retaliation; identify the responsible offices for complaint handling; detail policy-and Rule-required actions including timeframes and remedies; and outline appeal options. The goal of these measures is to improve workplace safety and restore a measure of confidence in compromised complaint and safeguarding mechanisms.

2. Consistent with Recommendation #1, the Faculty Chair should consider convening a faculty-and-staff-led taskforce that will issue recommendations for reconciling policies such as ABOR 6-914, which are written in a highly specific way, with how such policies are implemented by the administration. Obviously, the specific language within the policies should govern the administration’s practice and not vice versa. In addition, this taskforce could examine how university policies focused on discrimination, whistleblowing, and retaliation are being enforced within the University to safeguard those who bring forward legitimate allegations against the administration. Policies that

espouse principles of equity, fair treatment, and non-retaliation ring hollow if they shield administrators from accountability. Many respondents to the survey repeatedly echoed this concern about how written policies simply could not be trusted at face value because the very people charged with enforcing them work in offices that possess inherent conflicts of interest and the power to block or derail legitimate allegations. These conflicts of interest contaminate reporting chains that are supposed to prevent discrimination, harassment, retaliation, and the misuse of administrative authority. Such conflicts of interest increase the likelihood that our colleagues, who raise critical questions about institutional operations, will be targeted by and retaliated against by the administration.

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