

The University of Arizona®
Faculty Senate
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621.1342
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Minutes: December 6, 2021
3:00-5:00 p.m.
VIA ZOOM
<https://arizona.zoom.us/j/9503583576>

1. CALL TO ORDER

Presiding Officer of the Faculty Senate, Melanie Hingle, called the Faculty Senate meeting to order at 3:02 p.m. via Zoom. Hingle reminded the body that this is a Faculty Senate business meeting, and everyone is welcome to attend, but only Faculty Senators may participate. Any Senators wishing to participate are asked to raise their virtual Zoom hand, and please stay muted when not speaking. The preferred method of voting is by a show of hands, which was voted on at the April 2021 Faculty Senate meeting. Robert's Rules of Order also recommends a hand-raise as the default method for voting. Faculty Senators may raise a real hand on camera and wait until voting has concluded but using one's "zoom" hand is preferred.

Present: Senators: I. Addis, F. Alfie, M. Bolger, C. Bourget, M. Brewer, B. Brummund, B. Citera, J. Cooley, C. Cullier, T. Downing, J. Duda, C. Domin, W. Fink, L. Folks, J. Gerald, P. Gordon, R. Goyal, R. Hammer, S. Helm, M. Hingle, L. Hudson, J. Hurh, M. Hymel, B. Ijagbemi, J. Jones, K. Knox, J. Lawrence, J. Leafgren, K. Little, B. Ljagbemi, K. Maggert, D. McDonald, K. Murphy, J. Milbauer, B. Neumann, H. Rorigues, L. Rulney, A. Schulz, S. Sen, M. Slepian, C. Simmons, M. Stegeman, J. Smith, J. Stone, S. Su, J. Summers, T. Ottusch, S. Pau, J. Rafelski, G. Viedantam, M. Reimann, G. Roads, R. Robbins, H. Rodrigues, A. Romero, J. Rosenblatt, J. Russel, N. Vega, M. Witte, White, P. Zenega, L. Ziurys

Absent: Senators A. Behrangi, C. Casey, S. Dial, A. Devereux, K. DiRoberto, S. Gephart, J. Haskins, K. Kline, B. Lee, P. Lucas, H. Mansour, M. Slepian, R. Valerdi

2. ACTION ITEM: APPROVAL OF THE AGENDA

Hingle asked for **[Motion 2021/22-19]** to approve today's meeting agenda/ Motion was seconded. Motion passed and is detailed at the end of these minutes.

3. APPROVAL OF THE MINUTES OF NOVEMBER 1, 2021

Hingle asked for **[Motion 2021/22-20]**. The minutes of November 1, 2021 were approved as written.

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. 8 MINUTES OR LESS.

Senator Witte expressed a statement regarding a few thoughts pertaining to the University of Arizona. This is a reminder that the Faculty Senate initials "FS" also stand for freedom of speech. The future of the University of Arizona as 4th industrial revolution will be comparable to German Economist Klaus Schwab and his controversial 2016 book. A world where big technology merges physical and biologic worlds, transition from internet of things to intern of bodies. Deans are implementing this IR with targeted budgeting, resource allocation, and detailed metrics to ensure we don't stray. Kalus Schwab wrote two more books hedging his bets on stakeholder capitalism. It sounds a lot like our shared governance, something was fighting for, unsuccessfully. Faculty Senators' approvals are required but are dismissed by Administration. Wordsmithing "Faculty bylaws" erodes faculty rights and protections and grievance procedures. Free speech suppression in the name of civility and collegiality. Faculty have indeed fallen into a deeper abyss than Hopkins Professor Benjamin Ginsburg who warned two decades ago in his books. In Schwab's final books he concedes that the only thing about the future that is certain is the uncertainty. We see that with the state of the media in 2021, with Omicron experts finally expressing how much we do not know. In the coming of the fifth revolution, only part of it will be industrial and we will need to find ways to navigate the coming metaverse, in an incubator, non-pressure cooker mode, to find the right path through a comedy of diverse voices and an avalanche of unanswered questions, a marketplace of ideas sorting out timely from timeless so that's the wisdom of the cloud enhances human potential and the wisdom of the crowd and not just vice versa.

Senator Hudson expressed that their campaign for shared governance's accountability and transparency means to fight for certain principles, specifically what is private is private. They are vaccinated and in favor of vaccine mandates, but when uploading the vaccination card, you agree to *"authorize my name, demographics, contact information, COVID 19 vaccination status, data vaccination, and other information pertaining to my vaccination to be released to university personnel for the purpose of campus Community health monitoring and coordinating covert response efforts, including but not limited to vaccination reporting. Evaluating implementing mitigation measures and providing exposure notifications."* The reference to university personnel at one point included eight different bodies, including housing and residence life. It has since been edited down to only four different bodies: campus health, contact tracers, student class-based enterprise test smart, and something that no one has ever heard of called the university's COVID data governance group. What are these groups, how are they funded, and specifically what is the university's COVID-19 data governance group? How many of these groups are HIPAA compliant? In order to comply with federal mandate, we should be using a *"Deidentified Numeric Option"* that doesn't automatically consent to sharing of our demographic or other health status data to unknown groups, there needs to be an opt out box on the form as it currently stands.

Senator Rhoades expressed that we've had a happy increase in state appropriations, an endowment passing a billion dollars, strong grant revenues, and record enrollments. As a professor who studies the matters, Senator Gary Rhoades would like to suggest that Faculty Senate work with central administration to develop a multi-year plan to return salary monies to furloughed staff and faculty above and beyond normal salary increases. Even our reduced furlough was the most extreme among our peers, most of them did not furlough. Senator Rhoades requested to obtain \$8.7-\$10.1 million a year for four to five years, which is manageable. Our annual comprehensive financial report indicates strong cash flow and several hundred million dollars in unrestricted reserves. Moreover NAU has recently announced a plan along the lines of what we have suggested. Senator Rhoades strongly suggested that the faculty senate work with central admin to develop a multiyear plan to return to pre-COVID employee numbers and FTEs. Despite the efforts to preserve jobs, we have downsized and to address both these items he requested data and a report back on a few items that he will share in an email. Under the new activity and budgeting system, central admin will be assessing an additional 5% tax over what is done in RCM, not to cover deficits but for allocation. The university could easily reduce that amount and credit colleges and units something like 2% a year to reinvest in faculty and staff. Not long ago the President's salary was increased by 8% and like the president we all worked more, not less.

Senator Maggert expressed that the annual performance review bridges academia and business, it must balance the tenets of accurate of free academic inquiry with the need to manage performance. It is intrinsically subjective to accommodate the vagaries of academic progress but is therefore ripe for abuse by departmental administrators. 5 safeguards exist to assure the APR is not abuse: 1) The peer review committee structure is to be determined by the faculty. 2) Evaluative criteria to be created by faculty then approved by administration 3) Deans are to audit departmental systems yearly 4) The provost is to audit the system yearly. 5) A final failsafe, an unscrupulous department head baby may be removed by the five year review process. All five safeguards have been defeated in cellular and molecular medicine and likely other colleges or other departments in the college of medicine. 1) the peer review committee is hand selected by the Department head. 2) For the last 12 plus years there have not been written criteria, allowing the department head to assign arbitrary and capricious scores to punish individuals. 3) The Dean has failed to discover these violations and now even after nine months being brought to his attention; he allows it to persist. 4) The provost has failed to discover these violations since and, it was brought to her attention, six months ago, it has been allowed to persist. 5) Our department head has not had a review in almost seven- and one-half years. The University administration is violating policy, it does so to the harm of the process to the university and to individuals that are meant to be protected by the rules. Faculty are being disenfranchised every day and the administration benefits from slow or non-action. This has been brought to the faculty 9 months ago and we were told they were working on it. The system to avoid arbitrariness and caprice or not functioning, for some. It is my hope that bringing these violations to light will compel action.

5. Information Item: Status of furlough/furlough-based salary program savings – Chief Financial Officer, Lisa Rulney. (30 minutes)

Senator Rulney shared her screen to present the details on the furlough and furlough base salary programs. The presentation can be found here: The first slides detail why the furloughs were necessary and the impact of the reduction of expenditures and the savings that were generated from FY 21. The 2nd slide detailed in March 2020 the unprecedented losses due predicted throughout higher eds, facing unemployment, layoffs, closers. Other Universities began exploring options we deemed as unacceptable. We were unable to retrieve loans, and we are not able to stop contributions to ASRS. The 3rd slide stated the creation of the "Financial Sustainability Taskforce" a diverse group of faculty, staff, and student to aid the mitigation strategies. The 4th slide stated the guiding principles and those to preserve as many jobs as possible. The 5th slide addressed the question why not stop non-personnel expenses. The graph list on Slide 5 show how much personnel cost, which make up 65.4%, being a significant portion made it difficult not to. The 6th slide stated that there were other strategies to reduce the impacts of the projected loss, being a pause in all capital projects construction projects that did not have contractual obligations, pause, or reduce strategic plan, we restricted debt, and we instituted a hiring pause and paused our annual merit increase program. The key takes away from this slide and through the presentation that all

the savings that were generated from the programs were maintained with each unit, to offset that unit's budget's issues, there were not centralization of these funds. The guiding principles were that at every opportunity to reduce the programs. The 7th slide stated a timeline and highlighted the most important points that occurred from COVID impact to current day. From the beginning the commitment was to preserve most jobs, if possible, the program was adjusted based on feedback from community, we revised the program throughout the time, and the program was ended earlier than anticipated in December 2020 as CARE money was granted. In the 8th slide it was stated the mitigation strategies utilized drew upon information from numerous internal and external resources. In the 9th slide a snapshot was presented of the "Budget Allocation FY21" for "Pre-Fall Semester" for all colleges, most colleges faced cuts, even with the furlough program implemented. It was projected \$93 million dollar loss for colleges. In the 10th slide another snapshot was presented showing the "Budget Allocation FY21" for support units, "Pre-Fall Semester", showing a similar picture that the colleges felt, but the units do not have the same support since they do not participate in RCM. Suffering a bigger loss and lesser chance to recover. The 11th slide presented the "Budget Allocation FY21" for colleges for the "Fall Census Update" which showed the Fall 2020 programs began an improvement, yet half of colleges still faced material cuts. Even with the improvement for main campus net tuition revenue. In the 12th slide it was presented that the "Budget Allocation FY21" for support units during the "Fall Census" had improving numbers but suffered the same issues. In the 13th slide, "Budget Allocation FY21" for colleges had a "Spring Census" update and with the tremendous improvement, but the furlough program as promised ended earlier than expected on December 27th. In the 14th slide, "Budget Allocation FY21" showed the same lack of generation of revenue, even with its improvement. Despite the tremendous effort from our community and the mitigation strategies the University of Arizona still ended with \$70 million less revenue than the pre-pandemic forecast with some units now starting to do better but other remaining still far worse. Some units are doing better, but some are not, so the answer is no. No unit has paid employee back for the reduction of their income during their 4-month contribution to the furlough and furlough base salary programs. No until will. The presentation concluded with Rulney asking for questions: 1) Senator Smith asked, "To what degree is tuition discounting applied to these numbers?" Rulney responded saying it is something we track closely, in pillar one we have a focus on excellence and access, but it is an expensive one. We would be happy to share the paper that was created by the students working group to show the tuition revenue. We are looking at strategies to reduce discounting, but we need to do it in a methodical strategic way. Any quick discounting results in shocking the system and creates concerns for both students and high school advisors. 2) Senator Goyal stated: you have mentioned that the savings are now at the unit level, and will there be any plans on transparency to see how the money was being used? Rulney stated that it would be best to contact department heads and leaders for a breakdown, but to keep in mind that these funds were a bridge of sorts to give the units time to assess what they must do to keep their department functioning. Senator Goyal stated that the indirect costs funds which come to the NIH grants, and all were utilized by our previous director to provide some of the funding in our own lab buying supply and later on this was discovered, so this really infuriated lot of faculties because it was the indirect costs from their research grants. Thank you for this breakdown. 3) Senator Murphy asked for further clarification on: "All of the money was kept at the unit level, correct?" Rulney agreed. Senator Murphy stated some units like CALS stated that they didn't want it and they didn't need the furlough money, and that they were not actually allowed to give it back. Are you effectively saying that, even though some units managed all of the money themselves and kept it never went anywhere central, they were still not allowed to give it back because other units like SBS were not able to do that so?" Rulney agreed saying yes. This was an equitable institution wide approach. So, no units have been allowed to return funds to employees. We do not have equitable cash across the universities. Senator Folks stated that there was not one unit able to sustain jobs. When the furlough was introduced, faculty and staff jobs were on the line, and it is not apparent that this was taken in consideration. Senator Murphy a quick follow up question pertaining to that, the CALS letter stated that they wanted to give back the money, and in the beginning, there was uncertainty regarding losses, but as we continued to gather more info, and as for many unit's enrollment was up and some units were seeking to give the money back in an effort to retain employees. Folks stated that some units would benefit but some units would not. Murphy stated that they(CALS) wanted to give it back to everybody in the College. Folks stated that would only benefit CALS, what about the other departments? How do we feel about that as an equity question as a university community coming together to save the jobs of those who are most at risk, who are not our faculty, who do not have tenure? That feels pretty uncomfortable to me and i'm open to other dialogue, but that would feel pretty uncomfortable to me that some of us are willing to give to save jobs in our community and other people weren't. 4) Senator Hudson stated: Many career track faculty in the writing program in SBS were in fact non renewed and terminated, there were most likely cases elsewhere, so I think it was not an unmitigated success in stabilizing people's jobs based on this furlough. My questions are that the 2021 CARES Act says that in fact the university received \$122.7 million in coven relief funding. And if we exclude that amount that specifically designated for students support which comes out to about \$25 million, we still have \$46 million, \$32.5 million, \$2.23 million which is HIS, another \$15.5 million, \$600,000 from the state, and \$11.6 million COVID sponsored projects along with \$20 million from the Ashford deal, which we were told would help mitigate issues. Didn't we have \$40 million obtained through furlough? Rulney stated that is correct. Hudson stated that we made more of that in terms of federal grants, and we still don't have a good public account of where all the federal grant money at the institutional level went, including the Ashford deal. One more question on the "My University" page the furlough hours left to take are still there. What is the total accounting of unused furlough hours left to take, and how do we account for that? Rulney stated the stimulus funding, there is a report that is submitted to the federal government that we can share, the money went to re-entry requirements that included all mitigation factors to keep campus running, testing, tracing, cleaning, about \$11.6 million for that and other expenses also in that report. In regard to unused furlough hours,

there are a few people fulfilled their obligation and we are working with them and HR that those hours are met. 5) Hingle asked a question on behalf of Senator Smith. Since this is an overall university decision and university driven, not college driven, then the university should reduce the tax on units to enable units to restore employees. If the university reduced its tax, the colleges could cope better. It was a university driven decision not a college decision, so the university should provide funds. 6) Senator Ziurys expressed a comment that there are many universities and colleges across the country that were all subject to the same problems, reduced enrollment, and COVID problems and yet the University of Arizona was the only one, with these draconian furloughs. Those universities with reduced furloughs are going to pay the employees back, such as NAU. So, it's just confusing, why was the University of Arizona in such dreadful financial shape, that they had to introduce these furloughs. If we were not in a particularly bad boat relative to everyone else, that leads one to think that there must be financial mismanagement at the university because, why would it be so different. (Hingle stated this would be taken as a comment). Ziurys stated we have an administration with all kinds of Vice Presidents for this and Vice Presidents for that, but this is part of our financial problem that we have such a big administration we can't cover salaries and what is most important at the university is the faculty and the students. 7) Senator Simmons stated: As we continue to make back funds and we look into new avenues of revenue is there any possibility that you would see in the future, a financial windfall that would allow the repayment of furloughs or is there other strategies, perhaps, increasing salaries for faculty and staff? What are the next steps as we continue to become on more solid footing financially? Rulney stated she is unsure on the next financial windfall, and what we are committed to as a senior team is in ensuring that we retain our talented faculty staff, graduate students, and student workers. We are focused on maintaining an annual merit increase program. Now part of all-funds budget process that just kicked off, we had a process in fiscal year 22 where units could either do increases in July or January. The cycle moving forward will be in July and we're committed to ensure that, as well as the pay equity projects that have been done are underway so it's very important to our human resources team and our team and the provost division that we find ways to ensure that we retain our talent. 7) Senator Bourget stated that: The issue of the NAU example, that was placed in the chat. The question of why is it that they are able to use the CARES ACT money? We need to emphasize the issue of priority and revisit the strategic plan and putting priority on faculty and staff salaries. Senator Rulney responded that the NAU furloughs were at \$5 million, so it's a much smaller problem. Senator Rulney: I do not believe that NAU actually used CARES funding to return those funds as it's not an allowable expense for the stimulus funding. My guess is that they offset other expenses, and then use that to repay staff. I will welcome the idea of ensuring that the strategic plan focuses on our greatest asset and that being our faculty staff and students. 8) Senator McDonald stated: "While this body represents faculty, the comments I have seen affect both faculty and staff. The question is that since this was a university wide plan, wouldn't it be up to the university to make amends to the staff and faculty of the university, it will show good will to those affected by the furlough, why not make a plan to be university wide?" Senator Rulney responded stating that some units would not be capable to remit any funds. they do want to increase morale, and it is something we are open to considering. As long as it is an equitable approach. 9) Senator Fink stated: "This is a yes/no question, do we have as faculty staff and students, a guarantee that this similar devastating furlough will not happen again?". President Robbins responded stating that there will not be a guarantee. Senator Fink elaborated stating "Will we go through the same route, or consider taking loans?" Senator Folk stated that if it were to occur again they may consider furloughing a mass amount of people. Senator Fink questioned that they would consider this, with Senator Folks stating there is a limited number of choices on the table, as the institution was unable to take loans. Compared to ASU laying off people, the U of A was not considering that, but they are open to that discussion. Senator Fink expressed a question stating would there be consultation on any decisions with faculty before moving forward. Senator Folks stated we can open up a work group regarding the topic of furlough vs layoffs. President Robbins agreed and stated that we need to work on a plan to increase faculty salaries, as well as staff but faculty salaries absolutely. In regard to this question of things being equitable for those who deemed they do not want the furlough like CALS, that was never heard by the president, if anything the President stated all the responses from the Deans were seeking help. It may be easier to have a certain number of people being laid off, but most colleges chose not to do that. President Robbins stated that he is a proponent in remitting employees for the lost revenue of furlough, but equity is a big issue. As for lowering taxes, the President stated that the RCM mechanism is what must be reworked, for any tax changes. 10) Senator Downing stated that the consideration of creating a committee to fire people is a bit cynical, this is a serious matter. For example, for the contractual obligations being met first, but would it be possible to add a clause that if there is a COVID like situation we have flexibility in closing the contracts. Senator Rulney restated the question for clarification, but Senator Downing stated it as more of a broad question, adding that the key point is having contingencies and having a whole set of actions on how to deal with future situations like this, and it is improper to compare to other universities absolute numbers and we should consider their percentages. Senator Rulney stated that there were many resources the team pulled from when deciding what to do to mitigate the loss of revenue, pulling from educational advisory boards, a literal list of 100 options on if you're facing a financial crisis. And we can use that as a guide, and we can return to that if we find ourselves in a situation like this again. 11) Senator Summers stated that she agrees with Senator Downing's response, we as an institution are vulnerable, and knowing our vulnerabilities, can be used as a safeguard against future decisions like the furloughs. Additionally, furloughs and layoffs are common practices for businesses, but the biggest issue is that the state of Arizona has given us a lack of support. Other universities did have resources available to them that we didn't. Part of that is because we live in the state of Arizona and our administration or legislature does not support higher education financially, or in terms of their political values, and that is it's a huge reason why we suffered.

6. **Information Item and possible action item: Summary of Constitution and Bylaws changes for discussion and possible vote – Secretary of the Faculty, Michael Brewer. (20 minutes)**

Senator Brewer described the changes that have occurred with the Bylaws. Senator Brewer shared his screen and showed each line, asking the group which way they prefer in making the changes to this document, stating “Should we go line by line, or walk through them and then vote”. Hingle stated they we should vote one by one. Senator Downing asked if there was a motion put on the floor. Hingle stated this is a discussion on individual items, so we can hold off on voting until the end of the presentation of the bylaw changes, clarifying by asking Senator Downing to clarify his point. Senator Downing asked what we are doing, someone has to make a motion, and it appears we are severing the question. Hingle stated that we are not and we are proposing to vote on changes, and we need a motion vote, and Brewer can request a vote, but Hingle would like to vote on them as we have been sitting on these items for a too long. Senator Smith stated that there is a lawsuit regarding one of the bylaws. Hingle asked for a clarification. Downing clarified that there is ongoing grievance but stated he does not believe in changing laws during the middle of the year. It may expose the senate to a law suit unrevealed to the team. Senator Downing wants to know if there is an ongoing grievance, as that will dictate if they should have a vote or not, given this may expose the group to a lawsuit. Folks stated that under any circumstances any circumstances we refer to the policy that was held at the time, no retroactive application of new policies regarding old votes. Downing stated that he was told there was an ongoing grievance and if there are changes or votes today, that would be a guaranteed issue, and he will not vote if there is no clarification on the grievance. Folks stated she is unsure as well. Brewer stated that these bylaws will still need to go to the President, and if approved will be implemented late spring the earliest. Downing stated there's something called exhausting your administrative remedies, our grievance procedure are the administrative remedies. Downing stated that if doing a change in the middle of the grievance would be an error, and it sounds Brewer wants to make a decision asking the senators to vote on something that could harm a colleague. Hingle clarified that this sounds like hearsay and unsure what is occurring, and we do not need to vote on anything. Senator Witte called for order and stated we must recognize people with their hands raised, and the parliamentarian would ask that we not have cross conversations. Senator Witte motioned **[Motion 2021/22-21]** that we that we table the section on the revising of the grievance procedure, as it is weakening safeguards and protection. Motion was seconded. Hingle stated that Senator Witte is not the parliamentarian or chair, and her actions are not correct. Senator Witte stated that she is unable to understand what is occurring, but Hingle stated that it still does not warrant a parliamentary action. Hingle clarified that it appears that there is one item on this list that is a concern to the members. Brewer suggested that the team goes to each line and then discuss it one at the time. Senator Ziurys expressed concerns that they have not seen these items in a year. Senator Dysart reminded the members that the senate has seen these items and there changes in other meetings and the group is not accomplishing anything, by not taking its responsibility to vote on this. Dysart stated that several committees looked at these issues and provided feedback and passed them to Senate to do its duty. Senator Milbauer requested a discussion on the interpretation of ABOR 6.9.12, as it requires a discussion beyond APCC and other stakeholders. Senator Simmons wanted clarification as they were unsure if we were discussing Senator Wittes motion, if so, is it best to table the discussion or should there be a vote no if not in favor, so it is not endlessly debated. Hingle stated that Senator Witte motions was out of order, but taking her advice, the group should clarify what it must vote on and go piece by piece to determine what the group wants to keep on the list. Senator Stegeman wanted clarification that Senator Witte was not being recognized, and Hingle stated that Secretary Brewer made a motion before and was unsure if there was a second for it due to the group jumping in before Secretary Brewer could speak. Brewer stated that the group can use Senator Witte's motion but stated Witte did not mention a number they were referring to. The group can go through each item or go to the item they want to discuss. Senator Brewer asked Senator Witte which grievance change they were concerned about. Senator Stegeman asked for clarification on what is being discussed and what “tabling” a point means, does it mean to postpone indefinitely. Senator Brewer stated it would be useful to understand what the issues are, which is why the group must return to this topic so much, as time and time again there have been issues on changing the wording. It is frustrating to have to table the vote, and the preference would be to vote on it. Hingle asked for Senator Stegeman's advice on how to proceed from here. Senator Stegeman stated that Witte's motion is on the floor and since Witte did not reinstate the motion Senator Witte is allowed to withdraw it. Once the chair restates the motion then the maker of the motion no longer has a unilateral right to withdraw it, and Senator Stegeman stated that they did not hear a second, so Witte can withdraw the motion. Senate Witte expressed that they withdraw the motion and are in favor of the motion from Senator Simmons. Senator Simmon stated that their motion was to go point by point. Senator Witte stated they will not withdraw their motion; they will table it. The group asked Witte to reinstate and elaborate on the motion. Senator Witte stated the motion was to table the section that details the grievance procedure and the committee on academic freedom and tenure. Senator Brewer asked for more info. Senator Witte stated that the bylaw change deals with the composition of the committee and the conditions of the hearing. Senator Milbauer clarified that Witte is referring to bylaw revisions on page 34. Senator Brewer stated that the change in the composition was to GCC not to CAFT and that was from GCC, and not sure if that is what Senator Witte is concerned about, Senator Brewer stated that they believe from the group's request that they must remove “(4) Housekeeping Bylaws Change” and “(5) Bylaw Change”. “(6) Bylaw change” should stay, and finally remove “(7) Housekeeping Constitution Changes”. Hingle clarified that Senator Witte is proposing the vote continue for items that do not have to do with grievances. The team agreed, and Senator Witte stated that this reflects the intent in a legalistic matter, and the group must look at the

grievance procedures more carefully as procedures have been weakened going as far back as the 1970's. Senator Brewer asked which committee needs to review this that hasn't? Senator Witte stated that the Senate and some other lawyers at the law college. Senator Brewer stated that the senate does have APPC which is a committee that looks at these same items that come before Senate. Senator Summer expressed that they believe there must be a vote on Senator Witte's motions first, restating Senator Witte's motion to table the vote on any change that have to do with grievances or the grievance process. The team agreed and Senator Hudson reinstated that they seconded that motion when it was originally motioned. Senator Stegeman stated that they wanted clarification on what "tabling" means. Senator Downing called a point of ordering stating that they can be no discussion on tabling during this discussion. Senator Stegeman stated that this is a problem and the clarification that this will be postponed indefinitely should be stated and discussed. Senator Stegeman asked Senator Witte for clarification. Senator Witte stated that if it were postponed indefinitely would require a majority vote, whereas postponing to a to a defined time would require two thirds. Senator Stegeman agreed and stated if you vote to postpone it indefinitely the only way it could come back would be a majority vote, and Senator Stegeman asked if that was Senator Witte's intent, Senator Witte stated yes. Seconder agree that is the intent. Hingle stated that on the table for the vote is postponing the items that contain grievances indefinitely. Stegeman stated that a motion will be needed for the items that pertain to one motion vs the other motion. Senator Simmons asked for clarification, asking if the team will discuss the item before a vote. Stegeman stated that the motion on the floor is to postpone indefinitely the items concerning the grievances. Hingle stated this item is now open for discussion. Senator Simmons stated that the main goal for them and other members is to have a stronger voice in favor of academic freedom to vote no to these changes, as opposed to postponing them indefinitely, if the items need to be reworked, it can be reworked, but there must be the opportunity to take a stand on these items so the team can accomplish other items. Senator Milbauer wanted to clarify that if these items are removed will they be discussed in January? Hingle clarified it would require a senate vote to bring them back. Senator Stegeman stated that this vote is effectively a no vote. Even if you vote no it doesn't prevent the senate from bringing it back. Milbauer asked for clarification that if they wanted to bring these items back, they should vote no. Senator Stegeman stated a no vote is for the motion on the floor to adopt these changes, and then the later on there could be a vote no on that and that would resolve it in more concise way, but the motion currently on the floor is effectively a no vote. Senator Ijagbemi stated that this item has been discussed for 30 minutes and the amount of time on the item could have been avoided if the senate took their time to review it before, as this item has been on the agenda for months. Additionally, the concerns could have been brought to Secretary Brewer earlier in the week since the items are sent earlier before the meeting. Senator Hudson expressed that they seconded the motion as the grievance policy requires more time and the goal will to eventually bring it back to but it needs more time and the items sent before the meetings are not clear and require more work. Senator Summers stated that these suggestions should have been presented before today's meeting. Senator Hudson stated there is not enough resources to review all the items presented, and there are many changes, i.e pronouns or the elimination of duplicative paragraphs, but the grievance procedures need to be reviewed by this body. Hingle stated that this is why there are multiple committees. Senator Hudson stated that the Constitution and bylaws committee has not submitted an annual report since 2017, and they are unsure where these changes have originated, as it the doesn't seem the constitution and bylaws committee made these changes. Additionally, there were concerns that the committee does not have any elected faculty senators on it either. There are a number of related issues that need to be on the table and have robust discussion about as a body, not on committee. Hingle stated that Secretary Brewer does have a report and will share it now but mentioned that there are elected officials on those committees. Senator Summer stated that his is offensive to the committee members who have put in hours of work on these issues and just hearing these issues come up now. Senator Fink pointed out that there is a motion that has been indefinitely tabled and if the group wants to change that and we do not want to move forward on the changes pertaining to grievances, then what would need to occur is to deny that motion with a no vote, and then a new motion will be made to vote on the grievance items. Senator Stegeman stated that the maker of the motion needs to clarify that this is a rejection of those items. Senator Witte accepted that interpretation - by postponing indefinitely, it is a rejection of the motion as worded. Motion was seconded. Senator Witte asked Senator Brewer to list those items. Senator Brewer stated it is item 4,5,7 all items relating to CAFT and grievance procedures. Hingle motioned for vote **[Motion 2021/22-22]** (details in appendix). Senator Stegeman stated this could be interpreted as a bad faith effort as the motion is narrowly crafted. Senator Downing states the changes and language presented and process as a whole is confusing and motions **[Motion 2021/22-23]** that the Senate tables any and all modifications to the constitution and the bylaws until the secretary organizes the legislative history of the Constitution and bylaws, and until the senate is properly informed precisely what language is changing on our founding documents, not some summary. Motion was seconded. Hingle asked for more clarification on the motion. Senator Downing stated that there should be more clarification and if it is the job of the senate to approve a change there needs to be a tracked field of what was changed. Additionally, the pending/proposal title is confusing. Senator Brewer stated that they agree with the concern but since this has been pending for a year, this document needed to be workshopped before. The documents are online and the proposed [to Senate] and pending [General Faculty Vote] is blended but they can be told apart and these items are in Box. Senator Downing said that there needs to be a single document on what was written with crossed out comments of the document to aid in what is exactly being voted on. Additionally adding page numbers to this document as well. Senator Hammer stated that the document that was being reviewed was a shorthand way to abbreviate the changes but agrees that separating the documents would be beneficial. Senator Hurh stated that there is so much confusion;

he is unsure what Senator Downing is asking for as the motion considered is not postponing these items, Hurh stated they agree with the changes. Senator Downing stated that the issue is the senate is unsure what they are voting on, and the desire to get things moving will lead to mistakes. They are only requesting for clarification. Senator Hingle stated the documents listing any changes already exist and stated that the group can show Senator Downing. Senator Downing asked to see these items as when Downing clicks on the link to the document it is labeled as pending/proposed, and is unsure how the anyone expects for general faculty to understand this and vote on these items they do not understand. Senator Hudson stated as the seconder of the motion, the process pace is frustrating, but there are some very important distinctions that needs clear presentation on what is being proposed versus what is pending. These items cannot be together, and, in the future, there should be clerical or administrative changes that we sometimes refer to as housekeeping, grouped together in a single motion, whereas some of the changes of material may require an entire faculty senate special session, as the senate cannot do this as part of a half hour. Senator Hingle advised to move on and wanted clarification on the motion. Senator Downing reiterated the motion to table the items until the senate is fully understanding the items being voted on. Senator Brewer stated that they understand the motion, but it is more of a technology issue. They will work on the clerical items that can be changed i.e., the title of pending or proposed line numbers. Stegeman asked the chair to reiterate the motions, Senator Hingle stated that the motion proposed by Senator Downing is to postpone all items coming from the Constitution bylaws committee for consideration by senate until a time which they've been revised for the senate to understand the changes that are taking place. Some of the changes suggested are formatting. Senator Downing stated that simply the format should be presented to the senators, and before voting the senate should see the legislative history and the current ratified constitution by the general faculty and list every change that has happened and has been proposed. Senator Downing offered any aid they can provide. Senator Brewer agreed to the proposed motion. Senator Hingle proposed to vote on **[Motion 2021/22-23]**. Motion was seconded, the motion was passed.

7. Information Item: Review of proposed changes in UHAP Chapter 3.2 and 4.2 pertaining to the Annual Review Process – Vice Provost for Faculty Affairs, Andrea Romero, and Colin Blakely (10 minutes)

Presenter Blakely expressed what has happened to the proposed changes for the annual review policy for faculty. Presenter Blakely shared the presentation they created. There were changes in the language around the annual performance review. There were a number of things that preceded this decision and the first was the results of the organizational health index. In a survey that was responded to by over 1000 stakeholders, the annual review was a concern for many of the responses. Romero and Knepper convened a practice workshop in which they brought a group of stakeholders together and identified some of the different issues that came up in the survey and out of that the discussion around annual review provided some feedback. They felt the reviews were not as meaningful as people would like them to be that there was too much focus on scores, and that faculty would like more focus on coaching and career conversation. Guidelines and procedures also needed to be updated more frequently. So as a result of that sort of first round of feedback, Senator Hammer and some of the faculty chaired the "Faculty Task Force", which had about 50-60 faculty members in it. Blakely chaired the heads Task Force, which had 12 members. And that group alongside the other groups came up with some high-level, preliminary recommendations which, in turn, were considered by the chairs of both of the task forces, along with Romero and Brewer. The group worked to think about how those proposed recommended changes would take effect as edits to UHAP policies 3.2 and 4A.2, dealing with "Annual Review".

Responses to the requested changes were to reduce burden on department heads and annual review and require fewer required meetings. Annual reviews should also be more formative and less evaluative. Another proposed change was to share the peer review narrative and provide fewer than 5 levels for ratings. The rigor of the process should be tiered to meet varying needs based on faculty rank. One proposed change was to have fewer meetings with post tenure/CS. The annual review process should also be consistent across the UA and across tenure track, career-track, and continuing status. Results of previous faculty senate poll on 4-5-2021. 63% Approve (N=26), 22% abstain (N=9), and 15% Nay (N=6). That vote was followed by a 30-day comment period, 20 comments submitted bringing a range of responses. 65% concerned about moving away from the 5 levels rating. 20% concerned about appeal ending with dean. 25% concerned about mixed composition of annual review committees. The revisions proposed by the policy review committee and subsequently considered by APPC review, HEADS forum, OGC review. Senator Blakely stated there are two sections that explicitly refer readers to chapter 6 for more information on grievances info. Additionally an option was added at the department head level, if person needs improvement in their work, the department head specifies if the rating is unsatisfactory or needs improvement. Senator Blakely stated that what is to occur next is taking feedback and questions from Senate.

Questions from Senate:

1) Senator Hammer commented on the narrative of the peer review committee, it should include that the rating is not just a rating that is decided up by the department head but in fact supported by peer reviewers as well. 2) Senator Fink expressed concerns with slide 3's last point of making the peer review process the same for all departments in an effort for consistency, but within the College of engineering, Senator Fink has been in the audit committee and there are

guidelines that differ for each department that make it so many departments cannot be uniform in their peer review process.– Blakely stated that the intent is not to provide different rating scales, but the departments will be asked how they will be using the rating. The committee will ultimately be responsible for determining what context to use the rating, and there will be leeway on how a department conducts the peer review. 3) Senator Bourget stated that the rating sounds good, but it sounds optional, if that is the case then if it's optional then it cancels the point. Who will decide? Departments? and shouldn't it be mandatory? Senator Romero responded that the senate team is trying to make this mandatory. Senator Blakely stated that their original wording may have been wrong. It is being designated by department head for those who want to use it. 4) Senator Witte asked who is the unit deciding? Typically a unit is a democratic unit and there could be disagreements, but if it means the unit is just the department head, then it can be a wild card in the reviews. 5) Senator Bourget expressed that evaluations need to be summative alongside formative feedback. Senator Blakely stated that is the goal and the narrative feedback may help aid the evaluation becoming summative alongside formative. 6) Senator Alfie stated that the language is something they support but the process is a summative process, and they would like to see language that there is summative feedback going on within a process that does have consequences. Senator Blakely stated that they agree and there must be a balance between the two.

8. **Reports from the President, Provost, Faculty Officers, APPC, RPC, SAPC, DEI, Graduate Council, Undergraduate Council, SPBAC, ASUA, GPSC, UArizona Staff Council. (10 minutes)**

No reports from the President.

9. **Action Item: Consent Agenda: Proposal for Organizational Change in Africana Studies – Chair of the Undergraduate Council, Molly Bolger. (5 minutes)**

Hingle motioned to approving “Consent Agenda”. [Motion 2021/22-24]. Motion passed and is detailed at the end of these minutes.

10. **Action Item: Consent Agenda: MS in Clinical Research post GPERC – Graduate Council – Chair of the Graduate Council, Ron Hammer. (5 minutes)**

Motion [Motion 2021/22-25] passed and is detailed at the end of these minutes.

11. **Career-track ad hoc Committee – Senator Bill Neumann. (5 minutes)**

Senator Neumann expressed updates on the “Ad Hoc Senate Career Track Committee” regarding updates on UHAP. There will be a goal to have a narrow definition, on the advice of the general counsel. The definition that was approved last year by senate will need to be modified and move some of the items of the original definition moved to chapter 4 “Duties and Responsibilities”. Senator Neumann expressed that the “Title Harmonization” project has moved along very well. The majority of career track faculty are now in one of the approved categories. The salary equity study will be started over the winter and move into the spring. Neumann expressed that in the recent ABOR meeting there was a discussion on the cqp on the number of career track faculty with multiyear contracts being too low. As a TRI university, ABOR has changed the percentages. ASU/UOFA have been changed to 30% from 15%, and NAU was raised to 40%. Neumann expressed comments on the roles and responsibilities on the salary equity study, and the committee's member are focusing on appropriateness of how career track faculty are part of shared governance, how they bring their knowledge and expertise on appropriate subjects to the general faculty and participate on the committee structure. This will continue to be part of the committee's discussion topics. Senator Hudson asked if their committee is in a position to make recommendations about the state of contracting in the writing program. Senator Neumann stated that there has not been a discussion on that, and their group is not an elected group; it is an ad hoc group, so they can discuss it but it is not one that has been currently on their topics and attention.

12. **Adjournment**

There being no further business, the meeting was adjourned at 5:32 p.m

**Michael Brewer, Secretary of the Faculty
Nicholas Rivas, Recording Secretary**

Appendix*

*Copies of material listed in the Appendix are attached to the original minutes and are on file in the Faculty Center.

1. Faculty Senate Minutes November 1, 2021

- 2. Status of furlough/furlough-based salary program savings-Updated**
- 3. Constitution and Bylaws revisions**
- 4. UHAP Chapters 3.2 and 4.2 revisions**
- 5. Report from the President**
- 6. Report from the Provost**
- 7. Report from the Faculty Officers**
- 8. Report from SAPC**
- 9. Report from Graduate Council**
- 10. Report from SPBAC**
- 11. Report from UArizona Staff Council**
- 12. Proposal for Organization Change in Africana Studies**
- 13. MS In Clinical Research post GPERC**

Motions of the December 6, 2021 Faculty Senate Meeting

[Motion 2021/22-19] Motion to approve the agenda. Motion was seconded. Motion passed. 42 approve, 1 oppose, 0 abstention.

[Motion 2021/22-20] Motion to approve the minutes of November 1, 2021. Motion was seconded, Motion passed. 39 approve, 0 oppose, 1 abstention.

[Motion 2021/22-21] Motion to table the section on the revising of the grievance procedure, as it is weakening safeguards and protection. Motion was seconded 28 yes, 14 no, 4 abstention.

[Motion 2021/22-22] Motion to remove items 4,5,7 all items relating to CAFT and grievance procedures and to move into Executive Session.

[Motion 2021/22-23] Motion to table all proposed changes to bylaws until senate clarifies what was ratified in the past. Motion was seconded. Motion passed. 27 yes, 9 oppose, 3 abstention.

[Motion 2021/22-24] Seconded motion from Undergraduate Council Proposal for Organizational Change in Africana Studies. Motion carried.

[Motion 2021/22-25] Seconded motion from Graduate Council MS in Clinical Research post GPERC. Motion carried.

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