

**Faculty Assembly Meeting Minutes  
Via Hybrid  
2700 Posvar Hall and Zoom**

**Wednesday, November 2, 2022**

**1. Call to Order**

President Robin Kear called the meeting to order at 3:02 pm.

**2. Approval of the Minutes of the Past Faculty Assembly Meeting**

Kear asked for a motion to approve the minutes. On a motion duly made (Stoner) and seconded (Bircher) the minutes of the October 6, 2022 Faculty Assembly Meeting were approved as written.

**3. Items of New Business.**

None

**4. Report of the Senate President, Robin Kear (submitted in written form)**

I hope you all are doing well. I have one topic for today's agenda, and it is the effect of partial faculty unionization on shared governance.

Expanded Executive Committee Meeting

- The Expanded Executive Committee Meeting, consisting of the Senate Officers and the chairs/co-chairs of the Senate Committees met on Friday October 14<sup>th</sup> for an extended meeting. We discussed committee functions, ideas for next year's plenary, and shared top issues the committees are working on this academic year.
- The Expanded Executive Committee also met with the Chancellor and Provost on October 18<sup>th</sup>.

One of the issues we discussed were questions surrounding the faculty union and its impact on shared governance. These issues have been weighing on me for some time and have intensified over the past two months. I am going to synthesize my observations and the many discussions that have been happening in our committees, with the officers, with the Expanded Executive Committee, and in my general shared governance work.

Division and Exclusion

- I have found that a great division has been introduced into our faculty by the creation of bargaining unit members and those classified as managers. I see this division impacting Senate Committee work and the work of my own faculty governing unit in the ULS.

- Faculty who are managers find it problematic to participate in discussions that may or may not pertain to union issues or union updates in open faculty meetings. This impacts the ability to have open discussions in our Committees. This can also impact department, program, or other unit level meetings that have traditionally included all faculty.
- I have heard mention by administration that they do not want a two-tiered system for faculty. This means that items negotiated with the union may apply to all. This means that items that come through the consensus process of shared governance may be changed. This impacts our medical school faculty the most.
- There have recently been union actions, such as the protest last week at a bargaining meeting, that did not involve the general membership of the bargaining unit membership. I find this opaque and exclusive.
- The union meetings of the elected leadership, the Council of Representatives, are not open, nor do they have published minutes. There have not been union meetings updating the membership on the progress of the bargaining committee. This is also nontransparent to me.

#### Disruption and Confusion

- I have found that my interactions with some administrators, and specifically the Vice Provost of Faculty Affairs, are stifled and limited. We cannot discuss issues that may or may not be currently under negotiation. I can ask questions but receive no answers. This was not the way that shared governance worked before unionization.
- Our administrative liaisons have removed themselves from discussions in the Faculty Affairs Committee. This impacts our ability for open discussion.
- In May, you may remember that we passed Recommendations on Diversity, Equity, & Inclusion, and Recommendations on Community Engaged Scholarship in Promotion & Tenure requirements. These important recommendations are stuck until they can be discussed with the union.
- In a recent Pitt News article, a union member at the union protest last week was asked “if the union has considered striking if delays in bargaining continue”, this member responded that “there is a potential for the union ‘to walk away from their work.’”
  - While this is not a formal union position, I was extremely alarmed to hear this possibility mentioned so casually.

A serious disruption in the processes of shared governance has occurred just this week. Without our involvement, the administration and the union agreed to remove an item, the IPA policy agreement, from our Faculty Assembly agenda. As the Senate President sets the agenda, not admin or the union, this item remains on our agenda for today. I am certainly open to discussion of the agenda but not dictation. You will notice that there are not any administrators are here to discuss the item. I urge you to remember that we are an elected and advisory body, so we will discuss and make our recommendation.

- This situation is one that I, and the other officers, feared was coming.
- We have a policy and procedure regarding policy development that was a product of shared governance. The Intergovernmental Personnel Act (IPA) agreement came through that process and is the result of successful engagement between administration, faculty, and staff.

- In our current operating environment, if the administration and the union want to modify this agreement for the members of the bargaining unit, it should be done after the shared governance passage of the policy.
- The preservation of our robust system of shared governance is a priority for me. Removing the IPA agreement from the agenda because of an agreement between the administration and the union erodes that system. It is the University Senate President that sets the agenda, that includes Senate Committee priorities, and I am certainly open to a discussion of items.
- Neither the administration nor the union has the authority to add or remove any item from the agenda of our Faculty Assembly. Allowing this to occur undermines our system of shared governance and treats our existing apparatus as an ancillary structure as opposed to something central to the effective functioning of the University.

It is especially difficult for shared governance to function in this interim period, before articles for a CBA have been negotiated between the union and administration. However, my expectation has eroded that a CBA will be achieved in a timely manner, and I fear what that final CBA may mean for shared governance.

I fear that the faculty union wants to replace and usurp shared governance as it has existed at Pitt for 81 years (60 years if you don't count the first years that the Chancellor served as President). I do not believe that the union should silence shared governance. I fear that the union wants to replace shared governance with something less transparent. I can see that the faculty union wants to move far outside the mandatory subjects of bargaining and into broader areas that are in our purview. However, the faculty union does not speak for all the people that shared governance represents, it does not even speak for all of the Pitt faculty. We do and that is what we are elected to do.

To make our position known to all, volunteers from the Expanded Executive Committee and the Officers will be working on a position statement for the next Faculty Assembly meeting for your discussion and consideration.

Any questions or comments on my report?

Bonneau: We have been told that the union sent an email to the administration stating that it does not any work on shared governance to occur until there is a CBA. It makes it very difficult for us to function. It is reckless because it does not represent the views of all the faculty. Where are our medical school colleagues? The union argued with the PA labor relations board to exclude the medical school faculty. It is important for the Senate to continue to represent all constituencies. The Senate Council represents all faculty, staff and students and it is the one mechanism of shared governance. Any attempt to divide that and pit us against each other and have us only represent some but not others is something that we, as the official constitutional mechanism of share governance, will fight against

De Vallejo: Second that. The SOM represents almost half of the faculty at Pitt and we have been excluded. The union does not represent everyone.

Kanthak: I want to add to this, I am frustrated, angry and embarrassed. I was one of the first people to sign on to a union card. I had public and private conversations to convince people to unionize. I thought it would be a force for good and a force for transparency and I was dead wrong. I understand the irony of me loudly supporting the union when it was excluding my med school colleagues. Now it is excluding me too and I have learned my lesson. I apologize to my med school colleagues – I was wrong. The lack of transparency of this union is extremely frustrating. I am supposed to be a member of this bargaining unit. The only information I am getting from the union that purports to represent me is when they are trying to take credit for work that the Faculty Assembly had done weeks earlier. I don't know if they are trying to take credit for what President Kear has been working on or whether they think that have achieved these things. terribly. I am not told claim that they get things done that senate I do know that I am not getting any communication from them. I am not part of the group who are allowed to know what this union is doing. I want to know what they are hiding. I want to know what I am not allowed to know. I want to know what goes on these meeting that are closed to the public, unlike Faculty Assembly, where minutes are not produced, unlike Faculty assembly and its committees. This is embarrassing and not acceptable and the union could fix this. I am sorry for those of you excluded from the beginning that I was not aware this was going to be the pattern of behavior.

Balaban: This is an issue of shared governance. Faculty Assembly is part of the university. The union is a separate entity and is not part of the University. We may have a conflict of commitment among our faculty who are union members. This should be considered in the position statement.

Stoner: I was interested in getting more detail on the email that that was received this week.

Kear: the email was sent in the context of the IPA policy discussion

Bonneau: The union has threatened an unfair labor charge against the university for engaging in shared governance which came through our shared governance process. The university administration is not present because of this. This is a minor policy, but there are other things that are more important such as dependent care benefits, tuition policy that are going through the shared governance process. All of these things are being put in abeyance because of overreach by the union. This could be part of their negotiating tactics, but it is terrible for the university and faculty.

Kear: My fear is that we may lose administrators from shared governance.

Songer: we already lost them in Faculty Affairs

Discussion ensued on how this would impact the other FA committees.

Balaban: The response of the administration appears to indicate that they are not viewing us as faculty and viewing us as union and we need an explanation.

Further discussion continued on whether the administration is really more transparent than the union. It was noted that shared governance through faculty assembly allows the faculty to shed light on issues of concern and push the administration into action.

McCormick: What are the ideas on how to move forward on these concerns?

Kanthak: If the union would talk with us about these issues it would help

Kear: I only found out this week who the union leadership was even though I asked many times for this. And yes, it would be helpful to talk with the union about shared governance. We are not part of the legal unit of the union or administration and we do not know what is going on. We can talk about how valuable we are for all the people in the University, through our work in shared governance. We are

advisory only, but we are elected to speak for all faculty, staff and students in both Faculty Assembly and Senate Council.

Bonneau: Advisory may be considered ineffective, but we have been cooperative and not adversarial  
Balaban: Shared governance allows you to talk to people behind the scenes and work things out. The union is setting up an authoritarian and totalitarian system.

Tashbook: Shared governance is not adversarial; it is even better. We are working collaboratively on the benefits and welfare committee, and we are working as partners. If you look at transactional analysis there are types of interactions that can be more productive than others. The communications from the union suggest that the union is behaving liked a “child” to the administration “parent” in which they are making demands and creating an adversarial environment. Our communication style during shared governance is more adult to adult.

## **5. Reports by and Announcements of the Special and Standing Committees of the Senate**

### Intergovernmental Personnel Act (IPA Policy)

Professor Melanie Scott, Research Co-Chair

I am presenting this in my capacity as research committee co-chair and I was in the committee that worked on this policy

Many government positions are filled by academics for periods of 2-4 years. The IPA programs was initiated in 1970. The government institutions recruit academics to take these positions. The academics give their expertise to the government institution and bring back knowledge to the university, and it is seen as beneficial to both parties. University must hold their position open during the period so they can return to their institution. This is quite common and usually involves 10 -15 per year from the university participants. The VA is excluded from this policy and will likely be covered by another policy.

This policy goes over eligibility for faculty and staff as well as the mechanics with how to present these opportunities to the supervisor, and how to manage the period the faculty member is gone and their return to their position. Policy was based on similar policies in other institutions and was tweaked for the way Pitt does it.

This was approved at the last research committee meeting and the committee urges you to vote for it.

Questions?

Morel: This is a new policy, and not the revision of an existing one. These are very valuable opportunities for faculty and for the university and it was felt that maybe Pitt faculty were not taking as much advantage of these as they might.

Balaban: This is measure of maturation of the university as a research institution. I remember the problems when these were organized on an ad hoc basis. The policy handles these issues very well.

Stoner: Raised a question concerning faculty retention, remembering that certain faculty very experiencing salary reductions if they were not bringing in enough grants. He asked whether faculty

could still apply for grants while in these positions or whether this would be a conflict

Morel: It would be a conflict and faculty cannot apply to the institutions while on these assignments and have to give up their existing grants.

Scott: The faculty member must present a plan and work with supervisors to decide how grants and teaching will be handled during their absence. The policy outlines a series of questions that need to be asked while formulating this plan. These are very beneficial to the faculty leadership.

McCormick: Does it apply to appointment stream faculty if their position is lost, due to a programmatic change?

Scott: We did not specifically discuss this scenario, but there is a legal requirement for Pitt to take faculty back in the same or similar position.

The policy was voted on and the results are:

Vote: Yes: 40; No: 0; Abstain: 5

#### T AFC Resolution

Professor Carey Balaban, T AFC Co-Chair

The recommendation from the T AFC was distributed to faculty Assembly prior to the meeting and Balaban gave a short presentation outlining the issues and the recommendations.

He noted that this is a follow up of a discussion of the provost's statement on academic freedom in spring. In particular., T AFC felt the need to reexamine this issue in view of increasing challenges from inside and outside the university. He described how it is presented on the website. It is not very visible and there is no definition of academic freedom, rights responsibility, how may it be defended. The Pitt mission statement does not mention academic freedom, and there is no policy on academic freedom. It is mentioned in other policies and handbook but the concern of what it means to appointment stream faculty is not addressed.

Our recommendation is to increase visibility of the value of academic freedom through 3 proposed positions. We do want complete transparency in these discussions. The first position is to include academic freedom in the mission statement. The second is to develop new policies and procedures on academic freedom. The third is to recommend the university protect academic freedom against all threats whether internal or external. Balaban noted that the University has done well supporting academic freedom in the past but there is concern, that with increasing challenges from outside and inside, the support should be continued and strengthened.

Bonneau: No one is against academic freedom. I don't think it belongs in the mission statement. The mission of the university is not academic freedom. It is necessary to accomplish the mission, but it is not one of the goals of the university. I think that creating new policies and revisiting old ones is a good idea. My recommendation is that we do not need a resolution and it should not be in the mission statement. We should ask for a review of the policy by the administration.

Balaban: Your position was represented in the TAFC discussions

There was further discussion in which it was proposed that Kear talk with the Provost about making the academic freedom statement more visible and to work on improving the policies. It was suggested that if the Administration was not open to these suggestions Faculty Assembly could reconsider the resolution. Kanthak noted that CMU has just completed a year-long analysis of academic freedom at CMU and released their report last week, in which 6 recommendations were made. A suggestion was made, by Stoner, that the resolution be tabled and that Kear use her report at Senate Council to bring it to the attention of the administration. Balaban agreed with this approach but de Vallejo did not.

De Vallejo: We want the resolution to force action. I think we can edit the recommendations. For position 1 we can remove the mission statement and say to increase visibility. Position 2 can stay and maybe we can strike position 3.

Kanthak: suggested that position 1 can be rewritten to read “the Faculty Assembly recommends the University Administration and Board of Trustees articulate academic freedom as a core University value”

De Vallejo: agreed and suggested adding the word “better” so that it reads “the Faculty Assembly recommends the University Administration and Board of Trustees better articulate academic freedom as a core University value”

Balaban; recommends that position 3 be amended to add the words “to continue” as follows; “the Faculty Assembly recommends the University administration to continue to protect academic freedom against all threats, whether arising internally or externally”. This is to reflect the fact that Pitt has forcefully protected academic freedom in the past

Bircher: Agrees that position 3 is important and agrees with Balaban’s suggestion is a good one as it is important to consider both internal and external threats. As de Vallejo and Balaban are the framers of this resolution these are, by definition, friendly amendments.

Kear: read out the amended positions (1 and 3 as noted above; 2 remains the same)

Paterson: I am also a member of TAFC and I agree with these friendly amendments.

Kear: Questions?

Mauk: there is an issue with the date on the back

Balaban: will be changed to 2022

Kear called for a vote.

Vote: Yes: 32; No: 0; Abstain:2

## **6. Unfinished Business and /or New Business**

None

## **7. Announcements**

None

## **8. Adjournment**

The meeting was adjourned at 4:27 pm.

Documents from the meeting are available at the University Senate website:

<http://www.univsenate.pitt.edu/faculty-assembly>

Respectfully submitted,

Penelope (Penny) Morel

Secretary, University Senate

Members attending: Almarza, Balaban, Bell, Bircher, Bonneau, Bratman, Buchanich, Burton, Damiani, Denman, Epitropoulos, Fort, Giandomenico-Meaner, Glynn, Guterman, Hall, Jacobs, Jones, Kanthak, Kear, Mahboobin, Massanelli, Mauk, McCormick, Melnick, Molinaro, Morel, Morris, Oyler, Pacella-LaBarbara, Paljug, Parker, Paterson, Pitetti, Reed, Sant, Schmidt, Scott, Shafiq, Shephard, Songer, Stoner, Streeter, Tashbook, Tokowicz, K. Wood, Zack

Members not attending: Archibald, Cutsumbis, Dallal, Kohanbash, Lemery, Lewin, Maier, I. Murtazashvili, Newman, Potoski, Salcido, Schuster, Triplette, wert, Yates, Yearwood

\*Excused attendance: Bench, Conley, Cousins, Kovacs, Labrinidis, J. Murtazashvili, Nguyen, Swigonova, Taboas, Tudorascu, G. Wood

Others attending:

Collister, DeVallejo, Frieze, Jones, Ledger, Manges, McCarthy, Rai, Ringler, Stonesifer, Wells

\*Notified Senate Office