

**Faculty Assembly Meeting Minutes
Via Zoom**

Wednesday, December 1, 2021

1. Call to Order

President Robin Kear called the meeting to order at 3:01 pm.

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

Kear asked for motion to approve the minutes. Frieze made a motion and Stoner seconded it. Minutes from the November 3, 2021 meeting were approved as written.

3. Items of New Business

No items.

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

I hope that you had a relaxing break for Thanksgiving week and are fully recharged to close out the fall term. Happy Hanukah to those celebrating this week.

Vaccine Requirement Interim Policy

- *The interim policy for a vaccine requirement has been sent to all Pitt faculty, staff, and students and is in force immediately. The deadline to comply is Dec. 6th.*
- *Tom Hitter in the policy office is working on the charge and committee for the permanent vaccine requirement policy, which will have Senate representatives, committee review, and faculty assembly/senate council approval.*

Travel Policy work continues

- *I have received various comments on the continuation of the temporary COVID-19 guidelines for travel.*
- *The Senate Officers have asked about this on behalf of faculty, and there is movement to fully revise the existing travel policy (policy FN28) through Pitt's office of general counsel policy office and shared governance. Tom Hitter is working on a proposal to start the process, the charter. He should have a draft charter for me in the next couple of weeks that can define the committee that will work on that policy.*
- *When the process is finished, this fully revised travel policy will take the place of the existing, temporary COVID-19 guidelines for travel and the existing travel policy in FN28.*

Dependent Care Ad Hoc Committee

- *The ad hoc committee met for the first time on November 15th under the leadership of Anna Wang-Erickson. The committee went right to work on an urgent recommendation.*
- *The members voted unanimously to recommend that policy FN28 be changed to allow reimbursements for dependent care. As there is an urgent need to update this portion of FN28, and there are postdocs and graduate students who would immediately benefit from this change*

for the spring term from federal grants, I requested an interim policy change for this portion of FN28 in tandem with the full revision process.

- *The committee finalized draft language for this potential policy change. The draft language is modeled after the University of California's existing policy. The Provost is in full support of this tandem interim policy change. My request and the committee's recommendation is now under review by the policy office.*

PACTP Update

- *In September, we heard an update from Vice Provost Lu-in Wang, which included the latest on PACTP, the Provost's Advisory Council on Tenure & Promotion. From the website: "In order to maintain status quo during the development of a collective bargaining agreement, PACTP will continue to review promotions from tenured associate to full professor and will not review other types of promotions."*
- *This means the status quo will be in force and vice provosts will continue to review promotions other than the tenured associate to full, Pittsburgh campus.*

Other Policy Work

- *PUP and SAAA are reviewing the Campus Crime Awareness policy and procedure. This should be ready for faculty assembly in January.*
- *Research and TAFC are reviewing the Gifts That Support Projects policy and procedure.*

Campus Safety Concerns

- *SGB President Harshitha Ramanan expressed serious concerns related to campus safety, communication, and climate at the last Senate Council meeting.*
- *SAAA will be examining these issues at their December 15th meeting and hearing from OEDI, the dean of student affairs, and Pitt Police.*
- *I have asked SAAA and Educational Polices to examine an SGB resolution regarding Lauren's Promise and its addition to syllabi. Lauren's Promise is a simple but powerful statement. (Lauren's Promise – I will listen and believe you if someone is threatening you. <https://www.laurenmcluskey.org/>)*

Committee Work on Mission Statements

- *Senate Committees can review their mission statements at any time and at the October Expanded Executive Committee meeting (which includes all chairs) I asked the chairs to consider reviewing their mission.*
- *I am gratified to find that several committees are incorporating diversity and equity priorities into the mission and work of their committees. For example, Research, SAAA, and Computing & Information Technology are in various stages of mission statement revision.*
- *I see this as an extension of last year's Senate officers request for the committees to think about anti-racism actions for their work.*
- *At the risk of a digression, this brings two quotes from Pitt people in recent articles to mind:*
 - *"Governance is a dry subject, even to experts. Governance focuses on the systems that groups of people use to cooperate and resolve conflicts so that they get along, despite individual differences." – Michael Madison, Pitt School of Law in an April 2021 piece in Postindustrial*
 - *Through his work Clyde Pickett came to the "understanding that for systems to change, you need consistent strategy and input for those individuals who are organized to*

change the system.” – Clyde Pickett, SVC for Office of Equity, Diversity, and Inclusion in the recent PittWire profile

- *I see the puzzle pieces fitting together. Your officers and OEDI have been meeting and will continue to meet to work through what this means in our shared governance in concrete ways.*

Union Update

- *The deadline to contest the certification of the vote passed on November 17th without objections.*
- *I am sharing the following information for those who may not have received it because I have concerns on how widely this is being disseminated to the bargaining unit members. The creation and election of the union leadership is critical for all to be aware of.*
- *The Union of Pitt Faculty is creating a Council of Representatives of 77 individuals proportioned by size of units. From this Council of Representatives, the 15-member Bargaining Committee will be chosen. To self-nominate or to nominate a colleague, you can attend a Nominations Meeting at **3pm on Sunday, December 12, 2021**. The Nominations Meeting is open to all members of the bargaining unit.*
- *For more details and to register for the nominations meeting see the Union of Pitt Faculty website: <https://www.pittfaculty.org/cor.html>*

Spring Meetings

- *Due to the vaccine requirement policy being in force, we will try to hold our spring meetings primarily in person. The new omicron variant gives us new uncertainty, but we will know more by the new year. Please let me know how you think the hybrid version is working or not working.*

Spring Plenary

- *Vice President Kanthak is working with the Community Relations and Research Committees to plan the Spring Plenary. It will be based on community-engaged scholarship and we encourage people to attend and/or participate in the community-engaged scholarship forum on March 1st. More details will be forthcoming in the new year.*

Best of luck for the rest of this term, have a wonderful winter break, and thanks to Pitt for giving all an extra three days for downtime.

Any questions or comments on my report?

Stoner pointed out that there is an extension to the deadline to participate in the 2022 Community Engaged Scholarship Forum and Wiggins provided correct date via chat as December 22, 2021.

Kovacs asked about the reasoning behind the Provost’s decision to review promotion only for the tenured professors.

*Kear and Bonneau explained that original plan was to expand the review to all promotions, but that cannot happen now due to the **status quo** requirement, therefore reviews will proceed as before without expanding the process to include non-tenured faculty and regionals.*

Kovacs was interested to know if there is any progress in understanding relations between shared governance and the union.

Kear explained that Council of Representative (CoR), which would be selected soon, does not replace the Faculty Assembly. FA will still represent faculty from the schools of health sciences which are in the bargaining unit and the School of Medicine which is not.

Stoner added that CoR structure is meant only for the negotiation period.

Bonneau said that is it important to spread the information about the December 12 meeting Robin mentioned, so that the CoR is elected by all faculty in the bargaining unit. When union organizers were able to knock at all individual faculty in the past, they should be able to contact all faculty with this information not only people who voluntarily subscribe to their email.

Kear asked to share this information with your colleagues. Election of Council of Representatives is important since those would be the people representing you in the interim period and sitting on the Bargaining Team.

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

A. Faculty Affairs Committee – Pandemic Related Teaching Issues Professors Lorraine Denman and Irene Frieze, Co-Chairs

Denman spoke to the pandemic related teaching issues on behalf of FAC. She said that committee tried to make a concise document since there were many issues to consider and it focused on two areas: using zoom, hybrid, asynchronous or in person teaching and assessment of student performance.

The discussion that followed, focused mostly on recordings meant for individual use not distribution (*Stoner, Falcione*), ways to prevent wider distribution (*De Vallejo*), privacy issues and consent.

Kregg-Byers asked what is student's take on pedagogy of recordings going forward.

Frieze said that since it may differ from class to class, we suggest that faculty have the freedom to decide whether recording is needed, that it should not be mandated by the university (as one way for all).

Denman added that students take advantage of availability of recordings and the in person attendance is low.

Kear added that the document calls for faculty to have freedom to decide whether to record and asked for the vote.

Combined votes from the poll and votes in the room: Yes – 41, NO – 0, ABSTAIN – 3

Passed.

6. Unfinished Business and /or New Business

A. Draft Policy on Protection of Children from Abuse - Professors Linda Tashbook and Lorraine Denman

Kear said that the draft policy when through review by Benefits and Welfare Committee and Faculty Affairs Committee.

Tashbook presented it on behalf of the both committees. This policy applies only to people who work with children regularly. It requires 3 background checks. Two questions that were discussed in B&WC were: 1) who pays for the background checks (it is up to the Responsibility Centers), and 2) which employees are covered by this policy (those in regular contact with kids). *Frieze* added that it applies not only to employees but also to students and volunteers. Both committees endorsed this policy.

De Vallejo raised the issue of reimbursement of the clearance fees for students and *Scott* asked why the fees were not included in the policy.

Tenney said that the fees are to be covered by individuals, but that does not prevent Responsibility Centers to cover them.

Roberts said that it would be a disproportional burden on RCs who have lots of students in need clearances if policy mandated RC to cover the fees.

Financial burden on students was briefly discussed.

Stoner corrected a couple of minor spelling mistakes and asked for clarification whether the listed requirements are 'OR' or 'AND' conditions

Tenney corrected spelling and *Walker* clarified that all five conditions should be met.

Burdsall clarified that students are not mandated to pay, they can take it to their RC, and Responsibilities Centers, at their discretion, can cover the fees.

Rauktis said that fees can become structural barriers for many students and if departments are encouraging students to take extracurricular activities that require clearances, they should pay.

Kear said that through chat came a suggestion to check with SGB if student government could support this as they do other activities.

Jones raised the issue of administrative support in each unit to deal with clearances.

Kear asked to the motion, *Kanthak* moved to approve, *Tashbook* seconded the motion.

Combined votes from the poll and votes in the room: Yes – 41, NO – 2, ABSTAIN – 2

Passed.

B. Draft Policy on HIPAA - Professor Linda Tashbook, Benefits & Welfare Chair (submitted in writing)

The Benefits and Welfare Committee has voted to endorse the Draft HIPAA Policy and Procedure. I am going to briefly describe this draft policy and procedure and will then encourage you to vote on it.

With me at today's meeting are Laurel Gift, Esq., and Tyler Tenney. Laurel is our Assistant Vice Chancellor for Compliance, Investigations, and Ethics, Laurel leads the CIE Office and serves as the University's Privacy Officer. She oversees the University's compliance with laws, statues, and regulations, leads investigations into misconduct, and implemented the University's ethics standards program. Tyler is a Policy Specialist in the University's Office of Policy Development and management. He is also currently pursuing a law degree. Tyler helps formulate and edit institutional policies of University-wide significance and application by working with members of committees across the University. He also provides input into the strategic direction and the development and use of policies at the University generally and the

Policy Office specifically. Laurel and Tyler will join me in answering your questions about this draft policy and procedure.

To introduce you to this draft policy and procedure, I am going to present ten points:

- 1. Heretofore, we have had 13 separate HIPAA policies of varying style and substance. What I am presenting to you today is one single policy, along with its accompanying procedures, designed to ensure a consistent HIPAA compliance structure throughout the University.*
- 2. Please understand that HIPAA is the Health Information Privacy and Accountability Act—a set of federal statutes and accompanying regulations mandating confidentiality in the handling and transmission of information about patients receiving professional medical services. It is about medical records and billing for medical services. This particular law does not apply to situations outside of that realm, for example when a student talks about personal health issues with a professor or other students. It also does not apply when co-workers chat about a colleague's health.*
- 3. Health Information is defined as any information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or healthcare clearinghouse; and that is related to the past, present or future physical or mental health condition of an individual, the provision of health care of an individual, or the past, present or future payment for the provision of healthcare to an individual.*
- 4. University Members within a Covered Component of the University must receive training to assure their understanding of HIPAA privacy policies and procedures. This training must be appropriate for the members of the workforce to carry out their function within their employment, educational, or volunteering area. As part of their general employment orientation with the Office of Human Resources and/or the Office of the Provost, each new member of the Covered Components' workforce must also be trained on HIPAA privacy policies and procedures. In addition, all employees of the Covered Components must receive annual HIPAA training, including supplemental training updates when there is a substantial change in relevant privacy policies and/or regulations*
- 5. HIPAA consists of a privacy rule and security rule:*

The Privacy Rule

- establishes a set of national standards for the protection of certain health information*
- addresses the use and disclosure of individual's health information (PHI) by Covered Entities*
- establishes standards for individuals' privacy rights to understand and control how their health information is used*

The Security Rule

- establishes a set of national security standards for protecting certain health information that is held or transferred in electronic form*

- *addresses the technical and non-technical safeguards that Covered Entities must put in place to secure individuals' EPHI*
6. *Each University unit that is covered by HIPAA ("Covered Component") must designate its own privacy officer and its own security official to handle HIPAA compliance. These covered components include such entities as student health and the dental school. The list of covered components is available from the Office of Compliance, Investigation, and Ethics.*
 7. *The University's Privacy Officer, Chief Information Security Officer, Covered Component security officials, and Covered Component privacy officers will collaborate to ensure University HIPAA compliance. (Just to clarify-- Pitt IT and the Chief Information Security Officer have in place appropriate administrative, technical, and physical safeguards to protect the integrity, confidentiality, and availability of EPHI that is created, received, transmitted, or managed by the University's Covered Components.)*
 8. *Each Covered Component must perform annual technical security assessments of potential risks and vulnerabilities related to the confidentiality, integrity, and availability of electronically protected health information. (EPHI)*
 9. *Each Covered Component is responsible for making its own policies on limiting authorized access to EPHI and notifying their security official about security breaches involving EPHI.*
 10. *In the event of a data breach, the HIPAA security official in a Covered Component will instigate the necessary notifications and actions to comply with the University's data incident response plan.*

Stoner asked for example of using PHI for fundraising

Tashbook gave example of UPMC add and *Gift* explained that sharing of de-identified information of patient experience occurs between Pitt and UPMC when reaching out to potential donors. There is also a specific section in the law that requires us to address this issue. *Gift* said that this policy better explains how we will comply and what is specific to Pitt. It corrects that in the past we over identified covered entities due to confusion of application of FERPA and HIPAA. After implementing this compliance program there will be a lot of education needed where FERPA and HIPAA applies.

Bircher asked if we could see what UPMC HIPAA rules are, as they apply to business associates, so faculty understands both sides.

Rauktis asked about alignment of our policy with IRB.

De Vallejo has already training for HIPAA, because anyone engaged in human research is required to take it.

Kear ask for the vote. *Stone* moved to approve. *Rauktis* seconded.

Combined votes from the poll and votes in the room: Yes – 41, NO – 0, ABSTAIN – 1

Passed.

7. Announcements

None.

8. Adjournment

Meeting was adjourned at 4: 28 pm.

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

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

Respectfully submitted,

Małgorzata (Gosia) Fort
Secretary, University Senate

Members attending:

Anderson, Bircher, Bonneau, Brodt, Buchanich, Bungler, Burton, Collister, Covington-Ward, Damiani, Darnell, Denman, De Vallejo, Falcione, Fort, Frieze, Glynn, Guterman, Henker, R. Jones, Judd, Kanthak, Kear, Kiesling, Klem, Kohanbash, Kovacs, Kregg-Byers, Labrinidis, Mahboobin, Maier, Massanelli, McCormick, Melnick, Molinaro, I. Murtazashvili, Newman, Nguyen, Oyler, Pacella-LaBarbara, Paljug, Rauptis, Roberts, Salcido, Schuster, Scott, Shafiq, Songer, Stoner, Streeter, Taboas, Tashbook, Tokowicz, Wiggins, Yearwood, Zack

Members not attending:

Almarza, Archibald, Bench, Bickford, Hall, Jeffrey, Jeong, A. Jones, Kiselyov, Kory, Morel, Mulcahy, J. Murtazashvili, Paterson, Potoski, Reed, Swigonova, Triplette, Tudorascu, Vento, Wood

*Excused attendance:

Bove, Conley, Lewin, Sant

Others attending:

Burdsall, Cassidy, Gift, Harrell, Jones, Manges, SantaCasa, Tenney, Walker, Wilson, Wisniewski, Yates

*Notified Senate Office