

**Faculty Assembly Meeting Minutes  
Via Zoom**

**Wednesday, November 3, 2021**

**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 motion to approve the minutes. Taboas made a motion and Almarza seconded it. Minutes from the October 6, 2021 meeting were approved as written.

**3. Items of New Business**

No items.

Problems with the sound reported. Suggested use of two mikes fixed the issues and the meeting continued.

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

*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.*

*Travel Policy*

- *I have received various comments on the continuation of the temporary COVID-19*
- *The Senate Officers have asked about this on behalf of faculty, and there is movement to fully revise the existing travel policy 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.*

*Policy Work*

- *Benefits and Welfare will give feedback for the new Protection of Children policy and procedure on 11/9. Faculty Affairs has already weighed in.*
- *PUP and SAAA are reviewing the Campus Crime Awareness policy and procedure.*
- *Research and TAFC are reviewing the Gifts That Support Projects policy and procedure.*

*Academic Searches*

- *The Provost's office is running a search for the next Director of UCSUR. The Senate Office ran an election for two candidates from those faculty affiliated with UCSUR. The two elected are:*
  - *Annette Dabbs – Nursing*
  - *Michael Glass – Urban Studies*

#### *Unionization*

- *My shared governance perspective on the vote to unionize*
  - *SLIDE 3: Senate Council, Faculty Assembly, and Senate Committees were created by the Board of Trustees in the spirit of shared university governance between university administration, faculty, staff, and students.*
  - *SLIDE 3: The constituency of Senate Council, Faculty Assembly, and Senate Committees is broader than the faculty that will be represented by USW in an employment contract.*
  - *I was elected to represent ALL faculty, including but not exclusively the large amount of faculty in this contract.*
  - *Senate Council and Faculty Assembly are in a difficult position here, we are not the employer, we are not the bargaining unit, but our Assembly includes the entire bargaining unit, and the four Senate Officers are in the bargaining unit. I find myself with more constraints.*
  - *The newly to be created Faculty Union and the Faculty Assembly are not the same formal entity.*
  - *In my research, I have learned that each institution's relationship between faculty senates and faculty unions is unique. However, there are common threads, and we can still learn from others, and I encourage you to look around. Rutgers and University of Florida are just two examples of large universities that have active senates and unions. There is also Temple University here in PA. University of Oregon and University of New Mexico are two others, where part of the faculty is represented by a union.*
- *Legality*
  - *SLIDE 4: The legal contract negotiations for this subset of faculty will be conducted outside of Assembly, within a Bargaining Committee representing those employees.*
  - *SLIDE 4: There is a status quo expectation by the employer and individual negotiation is limited for the employer. Council and Assembly are not legal entities. We are not limited in the same way, but this is important for us to be aware of in our work.*
  - *There is also the concept of 'unfair labor practice' to be aware of, and 'direct dealing'.*
- *The scope of the faculty that will be under contract, approximately 3,000*
  - *SLIDE 5: The bargaining unit was determined by an April 2021 ruling.*
  - <https://www.dli.pa.gov/Individuals/Labor-Management-Relations/plrb/proposed/2021/Documents/Univ-of-Pgh-PERA-R-19-2-W.pdf>
  - *SLIDE 6: Included: 'all full-time and regular part-time tenure-stream and non-tenure-stream faculty and librarians in the Provost Area, Health Science Schools, and School of Law, employed by the University of Pittsburgh (Pitt, University or Employer) at all campuses in the Commonwealth; and excluding faculty in the School of Medicine, research associates, post-doctoral associates, graduate student employe(e)s, non-faculty professionals, and all non-professionals, guards, supervisors, managerial and*

confidential employe(e)s as defined in the Act. The petitioned-for unit is approximately 3,000 employe(e)s.’

- **SLIDE 7:** Excluding: ‘supervisory or managerial pursuant to PERA’ includes department chairs, deans, vice/associate/assistant deans, provost, vice/associate vice provosts, vice/associate vice chancellors, campus presidents/vice presidents, various library administrators including associate university librarians, directors, and heads of libraries, directors/associate/assistant directors of specific centers, programs, laboratories, and institutes (~94 of these)
- **The bargaining committee**
  - **SLIDE 8:** After the vote certification, there is a 20-day period for contestation. Any action here could delay the process.
  - If that 20-day period ends without any action by employer/employees, I assume the Bargaining Committee starts formation. I reached out to Robin Sowards of USW for more information.
    - “USW staff will be working with the Organizing Committee to develop a structure for the Bargaining Committee and a process for electing them.”
    - **SLIDE 9:** “there’s always a complex balance to be struck between ensuring that the Bargaining Committee is representative and ensuring that it’s a manageable size”
    - **SLIDE 9:** The USW organizer expects something will be worked out by mid-November. “At that point, the Organizing Committee will be reaching out to all of their colleagues about the structure and process.”
    - **SLIDE 9:** I have asked for transparency around the membership of the Organizing Committee but that is not public information. If you want to talk to someone on the Organizing Committee and are not sure who to reach out to, email [info@pittfaculty.org](mailto:info@pittfaculty.org).
- **The scope of the bargaining agreement**
  - **SLIDE 10:** This is currently unknown, but it will be negotiated: the employer and employee representatives can waive what to negotiate and agree on what to negotiate.
  - **PERA**, the Public Employe(e) Relations Act. This has the scope of bargaining.
  - The scope of bargaining specifically includes “wages, hours and other terms and conditions of employment”
  - **SLIDE 11:** “Public employers shall not be required to bargain over matters of inherent managerial policy, which shall include but shall not be limited to such areas of discretion or policy as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel.”
  - **SLIDE 12:** “Public employers, however, shall be required to meet and discuss on policy matters affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by public employe(e) representatives.”
  - I am not a lawyer and there could be other standard negotiating items in practice that are not explicit in PERA, like process for grievances and strike/lockout.
  - In the interim before a contract is finalized (1-2 years):

- *Do we need to consider what we do on issues that could potentially bypass the negotiation process for the bargaining agreement? Or does our unique position exclude us?*
  - *Do we keep working as we have, with the assumption that recommendations will be applicable to all outside the represented unit, and could be in the represented unit's contract?*
  - *(We are planning to find out more from general legal.)*
- *First Contract*
  - **SLIDE 13:** *My understanding is that for a first contract, everyone in the bargaining unit votes. After that first contract, you must pay dues to be a member of the union, and only members vote on subsequent contracts. Whether or not you pay dues and if you are in the bargaining unit, you are subject to the terms and rules of the negotiated CBA.*
  - *The 2018 Janus legal decision is most relevant here.*
- *Our work in the Senate*
  - *Issues that I reasonably believe will be part of the scope of the bargaining agreement and negotiation*
  - **SLIDE 14:** *Salaries, benefits, working conditions (most vague to me), grievance process*
  - *Committees that are working on these issues may find their appointed administrator involvement is limited by status quo operation and/or concerns for bypassing the negotiation process.*
  - *May be subject to parallel policy or contract negotiation*
- *Our work in the Senate: Issues that I believe still reside under shared governance (outside of salary, benefits), that are part of 'standards of service'*
  - **SLIDE 15:** *Tenure and academic freedom*
  - *Educational Policies*
  - *Student affairs, Athletics*
  - *Diversity concerns and advancement (EIADAC)*
  - *Community relations*
  - *Governmental relations*
  - *Computing and Technology, Library*
- *Immediate Impact*
  - **SLIDE 16:** *Policy Office policies in the shared governance process are moving forward.*
  - *The Provost's office is rethinking planned policy work that may impact the faculty in the bargaining unit.*
    - *Each topic needs separate consideration. They must be careful about making decisions for the future that impact what could be in the scope of bargaining. However, they must act in status quo on things already in process.*
  - *The resolution on bringing lecturers' salaries to the median that was passed last spring must be paused.*
  - *I have asked Bylaws to examine and consider any changes that may need to be made.*
    - *This is one place that the difference in roles between the senate and the union can be formalized.*
- *Other work that is immediately affected*

- *The goals of the Dependent Care Ad Hoc Committee must be reexamined but can likely move forward.*
- *Work that Faculty Affairs was doing on HSLs Librarian contract lengths can't continue.*

Morel asked for clarification whether the Research Committee was among committees not affected by unionization of faculty. Kear confirmed, though it was not included in the slide 15.

Songer asked if "status quo" applies to items contested during the 20 day period after the vote is certified. Kear was not sure.

De Vallejo suggested to have someone from the Law School to explain to us in simple language the law directives and he wanted to know if we could push the issue of median salaries for lecturers, which was passed before unionization, instead of putting it on pause. Kear confirmed that changing salaries would be a violation of status quo.

Bickford supported Kear's explanation by stating that we have a collective and individual right now to not have the terms and conditions changed without negotiations. He added also that if deans cannot have conversations now on planned improvements, there should be at least a way to raise the issues before we have the final contract.

Tananis said that Kear did a great job explaining some of the implications to FA. From Tyler's commentary it's obvious that Union is trying to figure out where it stands on and the administration is doing the same. Is there a strategy for all three partners to share thinking on areas of conflict or confusion?

Kear: For myself and Senate Officers coming with clear roles for Senate and Assembly is vital, because the roles for governance sometimes are included in CBS and sometimes are not.

Byers asked for clarification of the members or non-members and dues or non-dues. What are the ramifications for faculty of having the representation or not? Kear explained how she pulled information from the PRBL ruling, the link with the reasoning for the scope of bargaining unit and the slides will be available after the meeting.

Bonneau added that everyone in the bargaining unit is covered by the contract. Whether you choose to be a member of the Union and pay dues or not, you are still covered by every provision of that collective bargaining agreement by law. He commented also on Tananis choice of words, because once the union vote is approved they are no longer partners, but they are in legally binding contract that needs to be negotiated. That contract does not necessarily includes share governance or the work we do with our colleagues who are not in the bargaining unit. Elections have consequences, and because we are in different legal relationship with the University, it is unreasonable to expect that only good things will happen and the bad will not.

Scott: I am still concerned how this will affect faculty in the SOM. The number of SOM faculty is almost as large as the bargaining unit. I just wanted to point out to those excited about having the union that it does not include half of our colleagues.

Kear said that she would continue to work for SOM faculty since she was elected to do that.

Kanthak added that executive committee feels very strongly about the shared governance structure and its value and that our energies will be spent on protecting this entity and that concept.

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

None.

Kear introduced the next agenda item by saying that Tyler Bickford, chair of the Budget Policies Committee will speak to the report.

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

### **A. Budget Policies Committee – Outlier Report, Professor Tyler Bickford, Chair**

Since Bickford did not succinctly summarize the long report but instead focused on very detailed history of putting the report together and delivered it with great speed making it very difficult to record, here is the gist of issues with Outlier courses (full report available on the BPC website

<https://www.univsenate.pitt.edu/committees/budget-policies>):

- The rules for creating new credit bearing courses as part of academic program were not followed
- These courses are not subject to regular evaluation and assessment as required for any other courses in academic programs
- Inadequate participation of faculty in the process undermines faculty responsibility for the curriculum

Kear thanked for Bickford's presentation and said that she invited Patty Wharton Michael, President of the Pitt-Johnstown Faculty Senate here to tell us about the experience of Johnstown with these courses, but she is unable to attend. She invited two responses to the report from Kanthak and Stoner. Kris Kanthak to speak to prior Senate involvement and jurisdictional concerns immediately after the report.

Kanthak spoke to prior Senate involvement and jurisdictional concerns. She talked about the involvement of FA in the process and reminded of the FA meeting from December 2, 2020 where Outlier was discussed. She pointed out to procedural matters surrounding the report: 1) BPC initiated investigation on its own, and 2) the matter is outside of BPC jurisdiction. She said that Senate Executive Committee does not support this report and suggested that FA do the same.

Stoner spoke to Educational Policies Committee's work, which included following on the progress of University relation with Outlier via Provost McCarthy office on regular basis. The committee's stand is that since Outlier is not a program, therefore it is outside of EPC's scope.

De Vallejo wanted a summary of the issues with Outlier and clear instructions what FA is supposed to do about it.

Rauktis expressed her concern that students might be harmed by misleading advertisement of the

courses.

Kear reminded that these courses are not only for the Pitt students (any student can take it) and that transferability of the credits is a separate issue and it depends on the department's decisions.

Denman: According to Outlier website, Pitt students cannot enroll in these courses. I would like to know how this program is benefiting the University of Pittsburgh, the students and how the students are affected, and also our faculty, so we should have a larger conversation.

Kear: Except, it is no longer part of the Dietrich School, right?

Tokowicz: Linking Tyler and Loraine points, had the faculty be more involved, we could have better recommendations on transferability of the courses.

Bickford referred to Stoner and Denman comments on students and faculty involvement. He defended the BPC jurisdiction, since subcommittee to investigate Outlier was created by the full BPC, they were careful to stay in the lane, and that some faculty raised their concerns about Outlier with him as the Chair of BPC.

Kanthak clarified her earlier argument that when the official position of Faculty Assembly is released in our minutes, the appropriate place for any subsequent discussion is within FA not within the subset of a particular committee.

Stoner spoke to the autonomy of the committee, which can initiate actions that they feel are related to their mission. He pointed also to the not insignificant difference between norms and policies and explained that EPC works more along the policy lines. He also said that the consensus within the committee was that if Outlier ever starts to look like a program, it should be monitored by a university level body (PACUP).

Since there were no motions from the floor, the meeting proceed to the next agenda item.

## **7. Announcements**

Rauktis made announcement about an upcoming Fulbright Scholar's lecture on neighborhoods scheduled for November 8, 2021. Dr. L Damurski will speak on neighborhood and territorial cohesions as part of Research Break at the School of Social Work.

## **8. Adjournment**

Meeting was adjourned at 4: 48 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:

Almarza, Anderson, Bickford, Bircher, Bonneau, Brodt, Buchanich, Collister, Covington-Ward, Damiani, Denman, De Vallejo, Fort, Frieze, Glynn, Guterman, Henker, R. Jones, Judd, Kanthak, Kear, Kiesling, Klem, Kregg-Byers, Labrinidis, Mahboobin, Maier, Massanelli, McCormick, Melnick, Molinaro, Morel, Nguyen, Pacella-LaBarbara, Paterson, Rauptis, Reed, Roberts, Salcido, Schuster, Scott, Shafiq, Songer, Stoner, Streeter, Taboas, Tokowicz, Wood, Zack

Members not attending:

Archibald, Bench, Bunger, Burton, Darnell, Hall, Jeffrey, Jeong, A. Jones, Kiselyov, Kohanbash, Kory, Kovacs, Mulcahy, I. Murtazashvili, J. Murtazashvili, Newman, Oyler, Paljug, Potoski, Swigonova, Tashbook, Triplette, Tudorascu, Vento, Wiggins, Yates, Yearwood

\*Excused attendance:

Bove, Conley, Lewin, Sant

Others attending:

Hampton, Jones, Massimiani, McCarthy, Mucklo, SantaCasa, Suppok, Tananis

\*Notified Senate Office