

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

**Wednesday, November 30, 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 (Bircher) and seconded (Tashbook) the minutes of the November 2, 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 that you had a restful break last week among family, friends, and neighbors. I shared meals with family and friends, tackled house projects, and thought ahead to winter break and more time shared with loved ones.

Never far from my thoughts are the Senate and how to best represent you. I have two parts to my report today: follow-up from my last report, and progress on other matters.

We are here to make things better for faculty, for students, and for staff. We are here to put into operation the best possible versions of policies, recommendations, and guidelines. How do we do this? We have to do this by taking all of the varying viewpoints -- faculty in many different schools and units, staff, administrators, students -undergrad and graduate, our postdocs -- and building understanding and consensus. Is this an easy process? No. Is it perfect? No. Is it worth defending? Yes.

The Union of Pitt Faculty's threat of unfair labor practice charges if administrators participate in shared governance has had a chilling effect on administrators' participation and the faculty voice of that consensus process.

- At the last Senate Council, the voting administrators did not vote on a policy recommendation. They didn't abstain, they didn't vote no, they just did not participate. The Chancellor appointees to the Faculty Affairs Committee are no longer attending meetings. The usual work of this particular committee is at a standstill.
- The administrators on the Senate Budget Committee could not discuss the Salary Increase Policy.

- Some policies and guidelines that we are passing are at a standstill, including the Intergovernmental Personnel Act Policy, Tuition exchange policy, Community Engaged Scholarship and Diversity, Equity, and Inclusion progress we passed for tenure and promotion.
- This threat also makes it easier for our administration to deflect cooperation on other matters.

Since our last meeting, I was made aware that the union leadership reached out to some Faculty Assembly members for a discussion. We, the officers, were not invited, as I am guessing some of you were also not invited. I reached out to the union leadership for a meeting between your 4 Senate officers and the 3 union chairs. I am afraid that we are at an impasse before we even begin. The union chairs would like to have a USW staff member present for our discussions; however, we are very uncomfortable with that, and want to have this discussion just between Pitt faculty leadership. Hopefully, the 7 of us will be able to meet on Monday. We will be there.

I want to make it clear that my criticisms are focused on processes and the effect those are having on faculty and staff voice in shared governance, not the union's overall goals. It is unusual for a union to impede shared governance in this manner. At most academic institutions, the two co-exist, sometimes easily, sometimes uneasily, sometimes it is a pendulum of cooperation. The union could lift the threat of unfair labor practice charges related to shared governance and could be seeking to chart a path out of this standstill with us.

We are looking for clarity and communication. Until we have clarity on what is being bargained, we will have uncertainty in our committees. Until we have better communication between the union leadership and shared governance leadership, we won't have a constructive path forward.

Other matters:

- Regarding the academic freedom resolution from last meeting, I did pass it on to the Provost with the request for a discussion to achieve the goals. I will update you as that continues.
- Discussion of the process for decommissioning University Policy with the Policy Office
  - Usually, policies are decommissioned when they are replaced by a new University Policy. This process has discussion, input from stakeholders, and shared governance involvement built in.
  - Sometimes, a Policy needs to be removed and is not being replaced by a new one. This may happen when another University governing document exists that supersedes that Policy (i.e., a University By-law), a policy may no longer be operationally relevant due to change in University structure or processes, or there is a change in law or regulation renders the policy irrelevant or non-compliant. In this case, the Policy Office will open up the 'recommendation for decommission' of a Policy including a rationale for public comment for 28 days. All members of our community would then have 28 days to submit feedback on that proposal to the Policy Office. The Policy Office would then take that feedback and the recommendation to the Chancellor. When they post policies for public comment, PittWire highlights it in their publication, and they reach out to interested stakeholders.

- In those 28 days, the Senate President would be responsible for consulting with a relevant Senate Committee for feedback on that decommissioned item. That recommendation would be sent to the Policy Office and included in the information for the Chancellor.

As this is our last Faculty Assembly meeting before winter break, I hope the end of your fall term goes as smoothly as possible. I hope that your winter break is restorative and relaxing.

Any questions or comments on my report?

Paterson: Are any representatives from USW here to defend themselves or discuss the issues you raise? I know Tyler Bickford is absent today, but I would like to know if there is anyone here from the union who can speak to this.

Kear: It is important to note that all our meetings are open and advertised. Anyone from the Pitt community can attend. Also, there is a distinction between the USW and the union. The USW is the umbrella organization, and the union members are those in the bargaining unit. I don't know if anyone from the union leadership is here today, but anyone is free to respond to that.

Melnick: I am not in a leadership position; I am from Social Work and I am part of our internal organization. The discussion over the last couple of faculty assembly meetings has been concerning to me also. I feel that effort is being made on both sides. I have heard from union leadership that they are looking forward to the meeting that will take place next week. I hope that this will be the start of working collaboratively. Communication is all important now. The problem now is that we do not yet have a contract and this comes from the administration and not from the faculty or union. That means that all that information cannot be public until the contract is legalized. It is not purposely being withheld, but there are legal concerns. Once the contract occurs, the communication will be much clearer and more open.

Kanthak: the truth is there is nothing in labor law that says the union membership cannot interact with its members. There are rules about how the union can interact with the administration but there are no rules concerning interactions with union members. So that is not why I am shut out. I think that it's a learning curve, mistakes have been made early in the process and they will get cleaned up. I am much more interested in fixing the problem than laying blame on anyone and it is my hope that this will be discussed at our meeting on Monday.

Paterson: There is an urgency to this. The lack of transparency is concerning to me I would like to request that we receive some comment concerning the outcome of the meeting on Monday, if possible.

Kear: I will ask for this on Monday and it will be in my report at next Thursday's Senate Council meeting.

Balaban: The SOM is not a part of the bargaining unit, and I would like to know what the union position is on the SOM. Do you consider us faculty, administration or irrelevant?

Bell: The union, as it was forming the bargaining unit, was legally forbidden from including SOM faculty. The union's position is that, if the SOM want to form a union, we would be supportive of this and, through bodies like this, things that are obtained for the bargaining unit, through the union, that may be beneficial to SOM faculty can be brought to Faculty Assembly to apply to SOM faculty.

Bonneau: A SOM union has existed, was dormant and was decertified. The reason the SOM is not included was because of a decision by the union to fight the administration's request to add the SOM in the bargaining unit. This was subject to appeals, and it is all in the documents.

Balaban: But now we are represented only in shared governance and our ability to interact with administration is being curtailed by the union. The bargaining unit should be sensitive to that.

Vallejo: I agree with Carey. There are more than 4000 faculty in SOM. The union has excluded the SOM and our only voice is the senate. Leaders of partial union should recognize that and not intervene with work of senate.

Bonneau: That is the concern. There are legal things that fall under collective bargaining, and we are happy to let this happen. But many things are not involved with this, involving governing of the university. Many things can be considered “conditions of work”, and these have not been made clear. For shared governance to work we have to be able to work with the administration, with our colleagues across the University. Speaking for me, I feel we are being used a pawn as a negotiating tactic, and we are being squeezed and this not conducive to good governance for the faculty, staff, or students. We could go back to where we were 2 months ago if this unfair labor threat was not hanging over the administration. But it is being used and there are consequences to that being used. We cannot legally do anything about it and this is a really frustrating space for us.

Kovacs: Is there some sense of agreement as to what can be discussed in terms of policies?

Stoner: I am not representative of the union. The conditions of work are mutually agreed upon issues in the contract. We are facing two distinct issues – until there is a contract, the definitions of conditions of work are not clear. So, we do not know yet. The other is that communication and transparency can be improved between union and senate leadership.

Kovacs: I have a further question concerning subjects such as academic freedom would these be covered by the union or would we continue to handle these through shared governance?

Stoner: The administration is prohibited from dealing with faculty on subjects that could end up being part of the bargaining agreement – so called direct dealing. I would like to add that I encourage transparency on all sides. I have not heard the administration being transparent. If agreements are achieved these can be spread to SOM

Kanthak: My understanding is that the union has the choice to allow shared governance to proceed. They have the capacity to do this.

Stoner: The union has no interest in impeding the work of shared governance going forward in areas that are not part of bargaining unit.

Further discussion concerning the position of the SOM and union.

Kear: It would have been helpful if they had come to us before the threats of an unfair labor practice. That put us in tough position

Hall: Is there a process to know what topics the union will not allow us to discuss?

Kear: There is no process to know this. We don't know how long these negotiations will continue; it could be another year. There are 24 articles being discussed and 4 have been agreed in 8 months. So, this is a slow process.

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

### Management of University Facilities & Grounds Policy

Professor David Salcido, CUPS Co-Chair

This policy was approved by Faculty Assembly last week. This policy was brought to us by liaison, Scott Bernotas, who is a great partner with our committee and Tyler Tenney from the policy office. It was passed by our committee. This is a big and complicated policy. It provides definitional landscape for

describing construction and maintenance processes and comprehensively delineates responsibility for construction and maintenance at Pitt. It defines which offices are responsible for maintenance of which buildings. There is a useful Appendix that delineates all of these factors. Also specifically covers procedures buildings owned by Pitt but operated by UPMC – such as BST and Scaife. It states the requirements for capital projects and provides appropriate safety standards.

Bernotas: We are trying to set a standard that can be met across all buildings including SOM buildings.

Kear: comments questions?

Stoner: concern with sentence on page 2 section H – the first sentence does not work grammatically – something may be missing.

Salcido: we will fix this

Reed: What is the role of shared governance is this? Particularly regarding new construction with new buildings going up and getting rid of parking garages.

Salcido: The committee has input on these issues, and we are working to have more prospective input on some of these plans. We do not have input on capital decisions, and we are working on it

Reed: These are major concerns for retention for junior faculty and staff.

Songer: Is surplus covered by this policy?

Salcido: It is not

McCormick: Any consideration for changes that may need to be made due to changes in ADA requirements or regulations? How would these be handled and who would pay for them?

Bernotas: We do have a line item in FM preservation budget for ADA access, and we working to prioritize and implement these. We have implemented several ADA requirements and I believe these are centrally funded.

Salcido: is there a stand-alone policy on ADA requirements

Bernotas: We have city code and other city and state regulations to comply with ADA, with all new construction and major renovations.

Vote Yes: 47 No: 0; Abstain: 0

### Relocation Policy

Professor Linda Tashbook, Benefits & Welfare Chair

This policy is about the system for reimbursing newly hired or transferring employees for certain costs associated with relocation to work at a job on any of our Pitt campuses. This benefit is only available to faculty or staff who are accepting full time employment with the university, and who have agreed to serve for at least one year in that position. This is not an automatic benefit, and it is up to individual units to offer the benefit to their new hires. This policy does not set forth any standards on when or how newly hired employees are informed of the possibility of being reimbursed for relocation expenses. It merely establishes the framework for paying the relocation expenses. Pages 3-5 contain a chart that list the predictable expenses that are either generally allowable or allowed following approval. The chain of

responsibility begins within the hiring unit who is charge of offering the reimbursement and paying for it. Pitt parking and transportation may be involved if they are coordinating the move, although the employee may choose their own moving company. Then payment processing and compliance will be involved in processing the expense reports. Finally, payroll will be arrange for the payment and the deducting of federal income tax, as this is a taxable benefit. Relocation reimbursement has been considered taxable income since 2018.

The committee had a couple of issues. The first was equity as we considered the possibility that people from some backgrounds might be reticent to inquire about the possibility of getting relocation reimbursement. Also, units may only provide reimbursement to people who ask for them. But we concluded that this highly likely scenario was outside of the context of this policy, since this covers what happens after the unit has decided to pay these expenses. However, to address this concern, Tony Graham from the policy office, is arranging for relocation reimbursement to be included in the equity and relocation guidance that comes from OEDI as part of the hiring process

The second point was some members of the committee felt the length of commitment to employment for one year was too minimal, especially since relocation can be expensive. In response to this the policy office did some benchmarking at 15 other universities; 10 of those universities do not even mention a length of commitment and of the 5 that do 4 require 1 year and one requires 2 years. Based on this we decided to keep the one year.

Passed unanimously on Faculty affairs, and Benefits and Welfare

Songer: Faculty Affairs requested some clarification of responsibility for request for specific types of relocation expenses – this has been clarified. This was a straightforward policy from our committee's point of view.

McCormick: I notice that disability equipment or service animal are not specifically included

Tashbook: Service animals not considered pets. Other equipment is likely to be included

Salcido: in the table it says pets and animals which seems to include all animals

Tashbook: I will ask the policy office to make sure that service animals be specifically included as an exception.

McCormick: Specifically mentioning these topics signals that the University is a welcome location for people with disabilities.

Stoner: Clarification on whether taxes to other states will also be withheld for people who live outside of Pennsylvania

Tashbook: We will raise this with the policy office.

Vallejo: Does this policy cover lab equipment?

Kear: No, this is covered by another policy

Kear asked for a vote with the addition of a reference to service animals and a row for adaptive equipment.

Vote: Yes: 46; No: 0; Abstain: 0

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

Share Governance statement discussion:

Kear presented the background on the development of the Shared Governance statement that was sent to FA members last week. This statement reiterates the values and importance of shared governance. It was drafted by a group of faculty that included the Senate Officers, Melanie Scott, Juan Taboas, Carey Balaban, Lisa Parker, Ilia Murtazashvili, and Tom Songer. Other input came from members of the expanded executive committee. This one pager is the result of discussions held online and through editing of a shared document. The first three sections are essentially taken from the bylaws, and there has already been a suggestion to cite the bylaws, and this can be done. This is laying out our purpose, our history, what we do, and the matters that we address. The fourth paragraph is taken from the Senate website and bylaws. Topic areas covered by shared governance are not limited to the areas listed here but generally fall into the purview of one or more of the 15 senate committees. Other matters of general University-wide concern can also be addressed, and the recent pandemic was a good example of this. While the recommendations from the Senate are advisory in nature they are achieved through dialogue and collaboration that we value. The fifth paragraph covers what is happening right now with the partial unionization. Considering this landscape affecting faculty interests, we felt it was important to reiterate our position, that we must remain unimpeded in our work in shared governance, and that any negotiated agreement should preserve the infrastructure of shared governance as outlined in the bylaws.

Kear opened this up for comments noting that she had already received some comments from FA members. One item of feedback was to include the number of faculty outside the bargaining unit, which would state that this excludes close to 4000 faculty in the SOM, since the number in the bargaining unit is stated in the paragraph

Songer: as a clarification the heads of units are also not included in the bargaining unit.

Kear: we can include these also in this section.

Any other comments?

Vallejo: should we have a title?

Kear: do you have a suggestion?

Vallejo: I applaud the leadership for their efforts with this document and I think we need to strong title. I suggest "Reiteration of shared governance at the University of Pittsburgh

Morel: I suggest "affirmation" instead of reiteration

Kear: So, let's go with "Affirmation of the Principles of Shared Governance at the University of Pittsburgh

Jacobs: I was wondering if you could clarify the intention behind this and who is the intended audience?

Kear: the intended audience union leadership, the administration and ourselves. It is a proactive step to state what is valuable about shared governance and to point out the current environment that we are in now.

Jacobs: Given that I have a couple of concerns. I have heard in this room a desire to work more collaboratively with the union leadership, but this statement seems to position us in a more adversarial relationship. The statement in the first bullet, that the Senate must remain unimpeded, may not be true

due to legal concerns. We could say we would “like” to remain unimpeded, but the term “must” may not be possible legally.

Parker: what is untrue about the bullet?

Jacobs: The reality right now is that the Senate is being impeded and I don’t feel that this is going to further the interests of this group and especially the SOM faculty who feel completely excluded from this process. I feel that working collectively is the better road ahead. It may be better to hold off until after the meeting with the union leadership and develop something that is more proactive in developing the kind of working relationship that we want to have.

Scott: In answer to the question of “why now?” Part of it is that the union is looking to outline their contribution to the process of shared governance as part of their collective bargaining negotiations. It was important to reiterate that shared governance covers everybody and not just the collective bargaining unit, and that if the union decides to take on a lot of those shared governance aspects, then that will be detrimental to the rest of the shared governance units. The Senate is the legal entity for shared governance; it is part of the bylaws.

Taboas: I agree with what was just said. We can revise the document to consider other people’s concerns. This document is saying: we need to our job to take of all faculty, staff, and students at the University. But we are being impeded and if the administration and the union care about all faculty, staff, and students they will help the Senate continue to operate unimpeded.

Balaban: The union took a hostile act against us. The threat of legal action is saying that they want to impede shared governance. This is an answer back to that hostile position that they took. This has impeded our ability to discuss matters with the administration. That is why we felt it was important to make this statement at this time. It is important that bargaining unit understand how the process of shared governance. Don’t disenfranchise the rest us in the running of the university.

Parker: I am suggesting that this is a position statement. It is aspirational and a statement of values. It is not inappropriate to making a “must” statement that is currently contrary to a fact. That is the valence and the audience of the statement.

Melnick: The first part makes a lot of sense to me, and I agree with making the statement recognizing that our union only represents part of the faculty. My concern is the bullet with “must remain unimpeded”. We have to recognize that efforts are being made to collaborate and move forward, and the meeting on Monday is an example of that. Making a strong statement like that days before the meeting takes place may, intentionally or unintentionally cause that meeting to not go as well as it potentially could. It is valuable to reiterate our position, based on the bylaws and the fact that only part of the faculty is represented by the union. We have also noted our concerns about a lack of transparency, and we are looking for ways to move forward but a statement like this might impede that.

Salcido: Two technical points. The second bullet seems to dictate what the CBA should say, and we should not do that. We should encourage them to foster the Senate. The second point is about the first bullet as it vaguely refers to items that could legitimately be under the purview of the union.

Parker: With regard to the second bullet I did not take is as trying to dictate the content of the CBA, but instead a side constraint on it that the CBA not affect shared governance. I think this is appropriate according to my understanding of labor law and collective bargaining. Concerning the partial representation of the union, that is a justification point for the goal of the statement, but it is not a goal.



The goal of the statement is to try to reinforce a side constraint, or to carve out, the functioning of shared governance separate from those matters that are covered by the CBA.

Kanthak: This is an important point. We are all wearing different hats. As a member of the bargaining unit and someone who cares about the Senate, I did not vote for a union that would destroy the University Senate. I voted because I thought the union was going to be able to do something that the University Senate wasn't already doing. I am supporting this statement because I am not supporting a CBA that simply replaces the University Senate with another structure.

Kear: I would ask the question as why is it threatening that we want shared governance to remain unimpeded? Why is that so adversarial

Taboas: We can find a way to address Alicia's concern because I think the bargaining unit members all recognize the benefits they have received from the Senate. I think they all want to preserve shared governance. So, I think we could add a third bullet stating that the Senate is looking forward to having a working relationship with union and administration.

Kanthak suggested a statement

Melnick: suggested that the bullet include the statement that the Senate Officers are committed to working collaboratively with union leaders.

Kear: would this alleviate your concerns?

Melnick: Yes, this would go a long way to helping.

Scott: Why would this be considered adversarial? This is statement of who we are and who we represent, which is everybody. We need to have this shared governance body, in addition to whatever the union does. The union does represent everybody whereas shared governance does and watering the language down at this point is counterproductive in my opinion. I strongly urge that we keep the language that is there.

Kovacs: I agree that we should be very explicit about what we want to say. My question is what motivated the threat of legal action by the union?

Kear: we do not know but the meeting on Monday may clear this up.

Bircher: The threat is direct dealing, and it was because the administration was talking about matters with the Senate that are part of the CBA. This is not allowed

Kear: there are other ways that the Senate could do its business while not running afoul of these constraints. Why not come up with suggestions for inserting the union into policy, other than impeding the work of the Senate?

Bircher: I agree, but the question is how do you reconcile "completely unimpeded" with "mandatory topics of collective bargaining"?

Bonneau: Our position is that much of the policy process is not on mandatory topics. It is helpful to point out that we can have these open discussions with people who are on the bargaining committee, Nick, and people who are active in the union. such as Alicia and Pete, because our meetings are open and because we are sharing information and working together. This is something that, over that last few months we have struggled to achieve with the union leadership.

Bell: I agree that the language could be more collaborative. It is my understanding is the union leadership reached out to the Senate 6 months ago on the issue of shared governance. If there are fears that the union wants to do away with the Senate, I cannot speak for them, but that would go completely against everything that I have had in conversation with other colleagues in the union.

Kear: I had two conversations; they were not with union leadership. One was, but that was before I knew they were the leadership. It took me a really long time to find out who the union leadership was. I

had to react to text that I saw but could not receive. I was shown short text in one meeting that I could not digest and I could not get it. I had a second meeting that I did not realize was a “reach out” Again it was items that I couldn’t see or receive. I could only see it on the phone and it was very difficult.  
Bell: Things should be better and that’s why I think emphasizing collaboration is going to be important.

Parker: To speak to the point that Salcido raised concerning the vagueness of the wider issues in paragraph we can change the language to read “other matters of University shared governance”. I also agree with adding a collaborative third bullet, but I suggest we should keep the language of the first two the same.

Vallejo: Suggested new language for the two bullets.

Kanthak: I propose a motion that we leave the first two bullet points as they stand and that we add a third bullet point that you are about to read.

Kear: the third bullet would be: The Senate Officers are committed to working collaboratively to achieve these positions.

Motion was seconded

Kear: Additional changes – we added a title; the bylaws are cited; we replaced the term “other matters of University-wide concern” with “other matters of University shared governance” in the fourth paragraph; we added the description and numbers of faculty not represented by the union to the fifth paragraph; a third bullet committing to working collaboratively was added.

Vote: Yes: 24; No; 6; Abstain; 0

Kear: Lori will confirm that we have a quorum. I wish you all a good Holiday break.

## **7. Announcements**

None

## **8. Adjournment**

The meeting was adjourned at 5:04 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: Balaban, Bell, Bircher, Bonneau, Buchanich, Burton, Cousins, Cutsumbis, Damiani, Denman, Epitropoulos, Fort, Glynn, Guterman, Hall, Jacobs, Jones, Kanthak, Kear, Kovacs, Lemery, Mahboobin, Maier, Massanelli, Mauk, McCormick, Melnick, Molinaro, Morel, Morris, Murtazashvili I., Newman, Paljug, Parker, Paterson, Pitetti, Reed, Salcido, Schuster, Scott, Shafiq, Shephard, Songer,

Stoner, Streeter, Taboas, Tashbook, Tokowicz, Tudorascu, Wood G., Zack

Members not attending: Almarza, Archibald, Bove, Bratman, Dallal, Falcione, Giandomenico-Meaner, Kohanbash, Lewin, Oyler, Pacella-LaBarbara, Potoski, Sant, Schmidt, Triplette, Wert, Wood K, Yates, Yearwood

\*Excused attendance: Bench, Conley, Labrinidis, Murtazashvili J., Nguyen, Swigonova

Others attending: Bernotas, DeVallejo, Finder, Frieze, Houser, Jones, Ledger, Manges, Paul, Ringler, Russell, SantaCasa, Stonesifer, Tenney, Tuttle, Wells

\* Notified Senate office