

July 28, 2022

Leila Hudson, Ph.D.
Associate Professor and Chair of the Faculty
University of Arizona
Tucson, Arizona
via E-mail

Dear Professor Hudson:

On January 24th, 2022, Dr. Matthew Abraham submitted a public records request for emails and documents generated by the Nominating Committee for its process of selection for nominees for the Committee on Academic Freedom and Tenure in 2018 and 2022. On July 22nd, 2022, the Public Records Office released emails and documents related to that request. Included in the released material were emails from Faculty Center Senior Program Coordinator Jane Cherry (attached to this letter). These emails reveal that the Nominating Committee uses a highly inappropriate and prejudicial process to exclude faculty from full and fair consideration for committee service. It does so outside of established policy, without clear standards or criteria, and in secret. It does so arbitrarily and capriciously, in accordance with only Ms. Cherry's personal opinion of the candidates based on information that only she is privy to.

In an email dated October 5, 2021, responding to Dr. Katherine Zeiders, Ms. Cherry indicated that she had decided that multiple faculty (Drs. Matthew Abraham, Wei Hua Lin, and Keith Maggert) had been declared "ineligible" for service on the Committee on Academic Freedom and Tenure (CAFT). We three were declared to be "ineligible" for service on CAFT because we are "problematic." Within the subsequent emails, Ms. Cherry takes two positions, both extremely troubling. First, that we are personally problematic to her, and that is sufficient to void our nominations. Second, that we are problematic to the administration. It need not be elaborated upon, but neither Ms. Cherry nor the administration represent the constituencies that faculty serve, nor should either have hidden control over faculty representation on a committee as important as CAFT. When pressed for details by Dr. Zeiders, Ms. Cherry indicated that she based her decisions on her personal interactions, rumors, and "confidential" information that she did not disclose to the Committee. Ms. Cherry is a staff member, unelected and unaccountable, acting outside of policy or process, exercising her will on the Nominating Committee on the supposed basis of special knowledge and experience. Ms. Cherry's emails reveal an extremely dangerous influence and a direct threat to shared governance at the University of Arizona. This harrowing situation further suggests a troubling pattern of administrative interference with faculty-driven contributions to University governance.



Ms. Cherry's interference with the Nominating Committee seemingly goes unquestioned by members of the Nominating Committee (outside of Dr. Zeiders), shrouded from scrutiny or accountability. When pressed by Dr. Zeiders, Ms. Cherry did not explain herself or provide any information supportive of her actions. Ms. Cherry indicated to Zeiders that her feelings are 'irrelevant' and that the information Cherry has from the Office of the General Counsel, Faculty Senate, and committees are 'facts.' That Cherry would make these statements to Zeiders reveals the arrogance and recalcitrance of someone who has operated unchecked over many years.

When communicating with Dr. Abraham last February about why his name was not selected to be on the ballot for CAFT, Ms. Cherry stated, "*Your name went forward on the list of fourteen names but wasn't chosen to be on the ballot. That meeting is a confidential meeting and I am not privy the discussion or why/how those decisions were made. I only get the names that were chosen and no explanation for the choices.*" This is an intentional lie when compared to the documents released by the Public Records Office. It serves to obscure Ms. Cherry's influence, to prevent Dr. Abraham from knowing or contesting his blacklisting, and to deprive the general faculty from understanding how the Nominating Committee crafts committee membership. Dr. Abraham's question to Ms. Cherry about whether a candidate's knowledge of, and experience dealing with, issues around academic freedom is considered in the selection process were completely ignored, and to this day, remain unanswered.

No faculty with whom we've spoken are aware that the process of nomination includes veto power by staff. No faculty knows that "secret" information is curated by the Faculty Center or is used to cull the list of potential nominees. This alone shatters trust in the Faculty Center and its reputation for objectivity and professionalism.

All evidence suggests that the Nominating Committee and Faculty Center are aware of how distasteful it would be if it became widely known by faculty, because the culling itself is a closely guarded secret. The process itself is neither known widely nor written down. Even members of the Nominating Committee seem unaware of how the process works, and some were unsettled by it. And they were rightfully unsettled considering the committees being crafted hold the power to write or advise on policies and procedures, investigate and adjudicate grievances against administration, influence decisions that impact the entire faculty, staff, and student constituencies of the University of Arizona. Gatekeeping the Nominating Committee puts a thumb on a staggering number of scales.

Although in general the current situation is a flagrant violation of the University's public support for shared governance, our particular cases illustrate a few truly disturbing features:

First, **that mere accusations can deny us due process.** By its secretive nature, we cannot understand the claims against us, cannot demand evidence upon which the claims are asserted, cannot challenge our accusers, cannot clear our names or restore our reputations. We cannot remove ourselves from the blacklist on which we find ourselves. In the case of Dr. Lin, whose last interaction with Ms. Cherry was *eight years ago*, the list is an enduring specter with a long memory.

Part and parcel of this situation is the **formalization of innuendo or personal opinion into University policy.** Those that now know that we three have been declared ineligible because of our "problematic" natures will likely treat us differently, affecting our personal and working relationships, and our abilities to serve on other University committees (which affect our service expectations, affecting in turn our employment status and our salaries). As Dr. Zeiders reported, Ms. Cherry also stated that those "impartial faculty" [sic] who might have "*hidden agendas*"



should be excluded from serving on CAFT. For the Faculty Center coordinator to use such a nebulous descriptor as “*hidden agendas*” to disqualify faculty from receiving fair consideration to serve on CAFT demonstrates an almost Orwellian use of language. For example, is a strong and unceasing commitment to the defense of faculty rights as outlined in UHAP an indication of a faculty member’s “hidden agenda”? Ms. Cherry’s deployment of “hidden agendas” in this way reveals a very tendentious understanding of how faculty are supposed to conduct themselves with regard to shared governance.

Second, **that others may influence Ms. Cherry’s decisions.** Ms. Cherry indicates that our culling was due to our annoyance to the administration. This is implicit admission that others’ opinions – specifically administrators’ opinions – are being enacted through Ms. Cherry. This circumvents protections made by policy, providing a conduit for people who have no right to make these decisions to now do so.

Third, **that using the University’s grievance process itself is sufficient to blackball an individual.** No person should be declared ineligible to participate in a process because they choose to use that process. In our case, our knowledge and understanding of the grievance process, of state law, of Open Records requests, of University policies, and our willingness to fervently support policy and individual rights, should be heralded. For example, Ms. Cherry’s assertion that Dr. Abraham was ineligible because he *may* have a Committee on Academic Freedom and Tenure grievance is patently ridiculous: as far as we are aware, anyone may request a hearing at any time. Certainly, Ms. Cherry’s notion as to who may seek relief from the Committee on Academic Freedom and Tenure should play no role. It should be noted that Dr. Abraham is a past chair of CAFT and has published a great deal about academic freedom and shared governance issues.

Fourth, **that exclusion is a punishment for even being accused; exoneration is impossible.** For example, Dr. Maggert was involved in a grievance against his department head at the time of the exclusion. And the timing is informative. Ms. Cherry’s decision occurred between his hearing and when the Committee on Academic Freedom and Tenure rendered its decision. Ms. Cherry might have known the outcome of the Committee (it was issued a few days after the interchange between Ms. Cherry and the members of the Nominating Committee), but if she did, she would have known that the Committee on Academic Freedom and Tenure decision was fully supportive and exonerating of Dr. Maggert. Although Dr. Maggert was exonerated by the hearing, he was still blackballed by Ms. Cherry. He was to lose his standing, branded as a troublemaker, despite his proven innocence.

All of this is even more powerfully unsettling when one considers who is most likely to engage the grievance processes. Marginalized groups remain marginalized because of the onslaught of small injustices, every bit as invective as larger and more overt ones. Not only does blackballing preferentially affect marginalized groups by forfending their rights to bring grievances, it specifically targets those who do seek relief. Situations warranting a grievance in which faculty may find themselves are compounded by their then-exclusion from the selection process from an important committee because of a damaged reputation. The Nominating Committee’s current way of conducting its business is secretive and seemingly efficient. If the Committee’s conduct were to be made public, it would be extremely damaging to internal morale and blacken the University’s image within the public eye.

We do not know what motivated Ms. Cherry’s actions against us. Was it the filing of an open records lawsuit– a fully-legal action? Or the use of the very grievance process we sought to help support – a fully-legal action? Was it a personal email that Ms. Cherry – or some other unnamed



person – found to be personally upsetting? Although we cannot know, we can work to assure that this abhorrent situation is now corrected.

Corruption withers in the sunlight, and similarly, improper influence will struggle to persist under scrutiny. Therefore, we respectfully REQUEST the following:

1 - **That the Faculty Senate impanel a subcommittee to investigate the situation** that exists within the Nominating Committee, and more-broadly in any Committee with which Ms. Cherry has input or influence. We do not know whether Ms. Cherry acted alone, or whether she acted with, or as an agent of, others. All possibilities must be considered and appropriate actions taken. Minimally, the extent of Ms. Cherry’s influence must be understood to account its damage and end it. Further, exposure of others involved is necessary to end and prevent further influence.

2 - That the University policy be made clear and explicit: **that any faculty member that meets published eligibility requirements** (e.g., tenured, tenure-track, non-administrative title) **be free to appear on a ballot**. This may necessitate a revisitation to the purpose and functioning of the Nominating Committee: is the role of the Committee to bring an adequate slate of nominees, or to cull “problematic” people from service? We maintain that good can only come from the former and in exclusion of the latter. A decision on the purpose of the Nominating Committee – and on a larger scale, whether there is *ever any valid role for administration* in determining the membership of faculty-nominated and faculty-voted members of faculty seats on committees – should be put to a general faculty vote. It is our assertion that most faculty would vigorously reject the current situation.

3 - Emails obtained by the Open Records request indicate that some Committee members were complicit with Ms. Cherry, while others were merely ignorant. For example, the emails from Ping Situ and Dr. Ravi Goyal suggest that they are both in agreement that Ms. Cherry should exercise this level of control over the Nominating Committee because of her experience. Do they really believe this, or have they simply come to believe that this is a stance they must adopt as a member of the Nominating Committee? As trust in the operation of the Nominating Committee – in fact of *any* Committee that works with Ms. Cherry – has been eroded, it is imperative **that all policies, processes, and meeting minutes of the Nominating Committee be made publicly available**. Many committees post their documents on publicly available web pages, and the Nominating Committee should adhere to this standard.

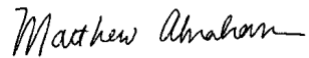
4 - **That the reason for decisions made by committees be communicated to affected parties**. For example, Ms. Cherry declared Dr. Abraham ineligible to the Nominating Committee, but Ms. Cherry’s communication to Dr. Abraham merely indicated that he was “not selected” and went on to misrepresent the situation by denying her role. If Ms. Cherry was required to truthfully inform any person if he or she was excluded *and why*, it is likely that such behind-the-scenes manipulation would be eradicated.

5 - **That the information held by Ms. Cherry be opened to scrutiny**. While it is possible that Ms. Cherry’s influence is enacted “in the moment,” her statements indicate that the Faculty Center possesses documentation or files on individual faculty. If Ms. Cherry does have special access to information about faculty, that should be revealed. We therefore request that all individual faculty be immediately provided the content of his or her own file, and that henceforth files be made accessible to any faculty that so-requests (as is the situation for files curated by Human Resources) and to the leadership of the Faculty Senate.



These actions will restore some faith in the nominating process, and in the Nominating Committee specifically. They will also end improper and possibly illegal influence on faculty self-representation and shared governance. Finally, they will create barriers to the re-establishment of backroom dealings and blacklists. These actions will serve every employed member of the University – administration, staff, and faculty – by safeguarding them from secretive influences and bringing our joint efforts to serve the University to a more open and honest state. To do nothing in light of the evidence we have uncovered will send a chilling message about how the University will continue to operate with the Faculty Senate’s tacit endorsement.

With kindest regards,



Matthew Abraham, Ph.D.
Professor, Department of English
College of Social & Behavioral Sciences



Wei Hua Lin, Ph.D.
Professor, Department of Systems and Industrial Engineering
College of Engineering



Keith A. Maggert, Ph.D.
Associate Professor, Department of Cellular & Molecular Medicine
College of Medicine – Tucson

CC:

Ms. Mona Hymel, Vice Chair and Presiding Officer of the Faculty Senate
Ms. Tessa Dysart, Secretary of the Faculty Senate

Dr. Amelia McCauley Kraehe, Nominating Committee, chair
Drs. Ravi Goyal, Katharine Zeiders, and Hayriye Kayi-Aydar, Ms. Ashlee Linares-Gaffer, and Leslie Sult, Nominating Committee, members



Dr. Wolfgang Fink, chair of the Committee of Eleven
Dr. Rebecca Tsosie, Co-Chair of University Diversity, Equity, and Inclusion Committee
Dr. Praise Zenega, Co-Chair of University, Diversity, Equity, and Inclusion Committee

Drs. Anna Ochoa O’Leary, Robert Senseney, Ms. Kristin Little, Faculty Senate representatives to the College of Social & Behavioral Sciences (for Dr. Abraham)

Drs. Wolfgang Fink, Roberto Guzman, Faculty Senate representatives to the College of Engineering (for Dr. Lin)

Drs. Samantha Harris, Paul Gordon, Benjamin Lee, Marvin Slepian, Faculty Senate representatives to the College of Medicine – Tucson (for Dr. Maggert)

Dr. Andrea Romero, Vice Provost for Faculty Affairs

Ms. Marilyn Taylor, Associate Vice President for Finance and Administration

ATTACHMENTS:

Select emails from Open Records request

All emails from Open Records request

