



FLORIDA STATE UNIVERSITY
FACULTY SENATE

AGENDA
FACULTY SENATE MEETING
WEDNESDAY, NOVEMBER 16, 2022
3:05 P.M.

Regular Session

The regular session of the 2022-23 Faculty Senate was held on Wednesday, November 16, 2022. Faculty Senate President Eric Chicken presided.

The following members attended the Senate meeting:

T. Adams, P. Aluffi, E. Alvarez, J. Ang, C. Ann Baade, S. Ballas, E. Bangi, A. Barbu, C. Barrilleaux, C. Barry, H. Bass, W. Berry, B. Birmingham, D. Bish, M. Blaber, A. Boutin, M. Bryant Howren, M. Buchler, U. Bunz, J. Calhoun, J. Chanton, E. Chassignet, E. Chicken, I. Chiorescu, R. Coleman, S. Daniels, L. DeBrunner, A. Dewan, M. Duncan, D. Eccles, V. Fleury, S. Foo, K. Gallivan, J. Geringer, M. Gonzales Backen, R. Goodman, A. Gunjan, W. Hanley, E. Hilinski, P. Hoeflich, R. Hughes, K. Ishangi, S. Johnson, K. Jones, M. Killian, E. Kim, J. Kimmes, G. Martorella, P. Maurette, Y. McLane, C. Moore, E. Murphy, C. Owens, J. Palmer, D. N. Pifer, J. Proffitt, Q. Rao, A. Rassweiler, R. Roberts, N. Rogers, E. Ryan, C. Schmertmann, T. Somasundaram, D. Soper, B. Stvilia, M. Swanbrow Becker, Y. Tang, G. Tyson, K. Ueno, A. Volya, D. Whalley, Z. Yu

The following members were absent. Alternates are listed in parenthesis:

D. Armstrong, R. Baumbach, M. Bourassa (H. Fuelberg), E. Brookshire Madden, R. Brower, D. Broxterman, M. Bukoski (E. Hinchman), E. Coggeshall, E. Coleman, F. Dupuigrenet, G. Gerard (C. Marzen), T. Graban, W. Guo, D. Gussak, M. Hanline, C. Hofacker (J. Fiorito), P. Iatarola, A. Khurshid, A. Lemmon, S. Lester, W. Li, E. Loic, M. Mack, A. Mckenna, J. McNulty, R. Morris, J. Ohlin (T. Dogru), G. Ostrander, T. Owen, E. Peters, M. Porter, H. Schwadron, J. Standley, O. Steinbock, E. Stewart, A. Stiegman, R. Stilling, B. Sults

I. Approval of the agenda, November 16, 2022 meeting

The agenda was approved as distributed.

II. Approval of the minutes, October 19, 2022 meeting

The minutes were approved as distributed.

III. Report of the Steering Committee – Bridgett Birmingham

- Bridgett Birmingham began her report by discussing the committee's recent meetings. She discussed that they met with the Provost and Vice President Kistner and with the Advisory Council of Faculty Senate. The committee has been focused on the upcoming guidance from the Board of Governors on the post tenure review policy. She asked the Senate to read, share, and give public comments on the Board of Governors now released policy.
- Bridgett Birmingham reported that the committee is continuing to monitor closely and ask for updates on the progress of the University's new strategic plan, which is currently under review by the President's Cabinet.
- Bridget Birmingham reported that the task force and the steering committee would like to share any progress that has been made on the issue of sexual harassment policies, enforcement, and investigation improvements. A response report from university administration is underway.
- Bridget Birmingham noted the steering committee is continuing to follow the ongoing mold and radon schedules for campus.
- Bridget Birmingham reported that the committee has been working on updating the bylaws.

- Bridget Birmingham discussed that the committee has also been at work of the Board of Governors statement on Civil Discourse and Academic Freedom. The Student Government Association recently passed a resolution endorsing the Board of Governors statement. The Senate is likely to take up our resolution either later today or at our next meeting.
- No questions or comments posed for Steering Committee.

IV. Announcements of the President of the University

- President McCullough began his report by discussing the various trips he has made to spread the good word about Florida State.
- President McCullough discussed and gave an update on the post tenure review policy. He believes FSU will be in good shape to move forward without having any fundamental problems.
- President McCullough gave an update on the hiring process for a new chief marketing officer and dean for the medical school.
- **Robin Goodman, Arts and Sciences** – showed concern about the post tenure review policy being connected to the critical race theory bill. She also showed concern that it asked for letters from chairs, deans, and binders which will make the process more difficult. She expressed that this might make faculty lose their jobs and this also might end tenure for professors in the state of Florida.
 - **President McCullough** – answered that he does not see this as the end of tenure. He discussed that this will not make it difficult for faculty to lose their jobs. The bill is supposed to read as they don't want faculty members trying to convince, for example, students to join one political party over another. He stated that faculty can continue to do what they have always done, he believes that our faculty do not indoctrinate students in the way that is defined in the bill.
 - **Provost Jim Clark** – also stated that he has had faculty tell him that they were going to make accommodations or change their syllabus, and in both cases, he advised them not to do that, and that they would have his full support to proceed with the syllabus and with the readings. We want to support academic freedom support and the decision making of the professors
- **Robin Goodman, Arts and Sciences** – asked about the emergency Board of Governor's meeting on December 1st, and there hasn't been an agenda posted yet. She asked if they had any new or information about it.
 - **Provost Jim Clark** – said that he is not sure about what the meeting is about, but he has a meeting with Dr. Inkling, and he will find out.
- **Kay Jones, Arts and Sciences** – expressed her concern about violations and student complaints on the Board of Governor's post tenure review policy.
 - **Carolyn Egan, General Counsel** – discussed the language change they proposed and that was adopted was "sustained student complaints."
 - **President McCullough** – reiterated that the President and the Provost are the ones that will make the decision on disciplinary actions with oversight from the BOG.
- **Michael Buchler, Music** – expressed his concerns about how this post tenure review policy might end tenure. He discussed how people might perceive this as FSU removing tenure and the effect this will have on loss of faculty. He asked whether the university is opposing the policy or not.
 - **President McCullough** – answered that the university is no longer opposing the policy.
- **Erin Ryan, Law** – discussed the connection between the civil discourse and academic freedom statement and the post tenure review policy.
- **Michael Blaber, Medicine** – asked what would happen if a tenured professor does not want to participate in this review process.
 - **President McCullough** – does not have an answer to that question but that is something that will be figured out.
- No other questions were posed for President McCullough or Provost.

V. Reports of special committees

- President Chicken stated there were no reports from Special Committees at this time.

VI. Reports of standing committees

- President Chicken stated there were no reports from Standing Committees at this time

VII. Unfinished business

- President Chicken stated that the GPC has not brought anything back yet.
- President Chicken motions to postpone the University Representative Policy indefinitely. **The motion was passed.**
- **Ulla Bunz, Communication and Information** – encouraged the senate to send her an email providing any feedback on the issue.

VIII. New Business

a. Bylaws Changes – Erin Ryan, Law (addendum 1)

- There are four changes to the bylaws.
- The first two changes are additions to the bylaws. F.3.e adds that the Faculty Senate president will only vote on senate proposals to break a tie vote. This is a practice that the senate has been following for some time and this formally adds it to the bylaws.
- Another addition to the bylaws, G.17, states that we will formally require what it is that we've been doing an ad hoc committee appointed by the steering committee will periodically review the bylaws to ensure that they are timely, accurate and reflect current Senate practices.
- The next has to do with the University Curriculum Committee. We are proposing that the committee be expanded to account for the workload. Our proposed change is to enlarge that from 9 to 12 faculty members.
- The other proposal is to add a line that recognizes that the Director of the Center for the Advancement of Teaching as a nonvoting ex-officio member to the Teaching Evaluation Committee.
- These changes will be voted on in the next Faculty Senate meeting.

b. Post Tenure Review Policy resolution proposal – Jennifer Proffitt, Communication and Information (addendum 2)

- Jennifer Proffitt read the Resolution on Post Tenure View document from Faculty Senate.
- President Chicken motioned to approve the adoption of this proposal. President Chicken opened discussion.
- **President McCullough** – does not think that the Board of Governors will disagree with them, however he thinks this should be modified to take a different approach. He says that instead of disagreeing with the document, maybe ask them to make modifications to the document.
- **Erin Ryan, Law** – agreed with President McCullough about the changes he advised to make to their document.
- **Bridget Birmingham, University Libraries** – discussed that the unfairness is directly related to the process. We don't think that everything is unfair, but the fact that there's not due process, is the unfair piece of the policy as proposed.
- **Carolyn Egan, General Counsel** – advised them to avoid anything that relies on an inferential leap. She advised them that if there are things that in the documents that you can probably surmise, but if you need an inferential leap to get there, you're not going to be persuasive or successful. If you must presume something in order to get there, you're going to get less audience that way. She says that relying on due process will appeal to the fairness in all of them. We made the point that the procedure matters in reaching the result, and also, an examination of the evidence matter. No one wants anybody unfairly disciplined.
- President Chicken asked if Erin Ryan and Jennifer Proffitt can come to a friendly amendment to remove the second sentence in the second paragraph of the document.
- **Erin Ryan, Law** – asked if they could come to another friendly amendment to take out the word “punitive”.

- **Jennifer Proffitt, Communication and Information** – cannot come to a friendly amendment on removing the word “punitive” in the document. She thinks the proposal is punitive and for it is because of this particular statement “that faculty must be free to teach, engage in research, and participate in institutional governance without fear of punishment or repercussions.”
 - **Erin Ryan, Law** – asked for a friendly amendment to change it to say, “potentially punitive”. She would like to remove the word “punitive” all together, but she is willing to agree to adding “potentially punitive”.
 - **Jennifer Proffitt, Communication and Information** – will accept the change to “potentially punitive”.
 - **Matthew Lata** – expressed his concern about the post tenure review policy. He expressed his support for the Faculty Senate’s resolution to be written as strongly as possible.
 - **President McCullough** – expressed that this policy is not the end of tenure.
 - President Chicken moved to vote. **The motion passes.**
- c. **In-Person meetings – Joe Calhoun, Social Sciences & Public Policy**
- Joe Calhoun would like to make a motion to the senate to return to in person meetings starting in January.
 - President Chicken opened discussion.
 - **Linda DeBrunner, Engineering** – expressed concern about parking for in-person meetings.
 - **Michael Blaber, Medicine** – believes that zoom makes these meeting more accessible.
 - **Erin Ryan, Law** – discussed that although she is immune-compromised, she still sees the value of having in person Senate meetings, but also needs to note some of the senator’s may need special accommodations.
 - **Thayumanasamy Somasundaram, Arts and Sciences** – asked if there was a way to make the meetings hybrid.
 - **President Chicken** – answered that it can either be in-person or remote because of the bylaws and constitution. Also, there is no way to hybrid the voting process.
 - **Veronica Fleury, Education** – discussed the positive side of remote meetings, one being that it allows them to optimize their time because it eliminates commute and parking issues.
 - **Sam Ballas, Arts and Sciences** – would like to know why there is a want to change the remote senate meetings to in-person.
 - **Joe Calhoun, Social Sciences & Public Policy** – answered that he misses his colleagues and having in-person meetings. He feels that campus and the world has returned to what is considered pre-pandemic normal and feels Senate should do the same.
 - **Robin Goodman, Arts and Sciences** – believes that senate meetings being on zoom make it difficult to have a deliberative democracy. She says she finds it difficult to connect to people in ways a direct democracy requires.
 - **Bridget Birmingham, University Libraries** – discussed that she is indifferent to the issue, however, she spoke about how there a better attendance on zoom has been than in-person meetings.
 - **President Chicken** – encouraged the senators who would like a hybrid model to look at the bylaws, constitution, and technical changes that would need to be made in order to have a hybrid senate meeting.
 - **Gary Tyson, Arts and Sciences** – discussed how the change to zoom meetings was supposed to be temporary and the senate meetings at some points were supposed to resume to in-person meetings. He suggested taking a straw poll.
 - **Roxanne Hughes, National High Magnetic Field Lab** – discussed resuming to in-person meetings when the new term starts for senators.
 - **President Chicken** – asked if Joe Calhoun would take this as a friendly amendment

- **Joe Calhoun, Social Sciences & Public Policy** – is not in agreement for the friendly amendment. He would like for in-person meetings to start in January.
- President Chicken asked Roxanne Hughes if she would like to propose an amendment to return in-person starting in April instead of January. Roxanne Hughes approved to propose this amendment
- President Chicken motioned to approve Roxanne Hughes' amendment. President Chicken moved to vote. The amendment is approved. Floor was opened for discussion.
- President Chicken moved to vote for in person meetings to start in April. There were two abstentions. **The motion does not pass.**

IX. **Special orders**

- President Chicken stated there were no special orders at this time.

X. **University Welfare – Matthew Lata, United Faculty of Florida**

- Matthew Lata discussed the election and post tenure review and wanted to continue to encourage all to make public comment through the Board of Governors website. Make sure your colleagues do that and reach out to people that you know in national societies, professional societies.
- The statewide union will be releasing in the next couple of days a petition that will be distributed to all universities, inviting faculty to sign off on opposition to this measure.
- He discussed the CAMS concerns, on reporting income, and that they were assured by administration that they would be writing new language for this.
- **Marilyn Young, Parliamentarian** – announced the Association of Retired Faculty will be holding its annual holiday party on December 15th in the Heritage Museum here in Dodd Hall and it has been traditional in years past for to invite the faculty Senate to join in that holiday party.

XI. **Announcements of deans and other administrative officers**

- No announcements were presented.

The meeting adjourned at 4:12 pm



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Add a new subsection:

F.3.e. The Faculty Senate President will only vote on senate proposals in order to break a tie vote.

Add a new subsection:

G.17. An ad hoc committee appointed by the steering committee will periodically review the bylaws to ensure they are timely, accurate, and reflect current senate practices.

G.13

Current:

University Curriculum Committee

The Curriculum Committee shall consider curricular policies and procedures at both the undergraduate and graduate levels. The Committee shall consist of nine faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. The Vice President for Faculty Development and Advancement, or their designee, shall be a non-voting ex-officio member.

The Committee shall annually elect its chairperson from the faculty representatives.

Proposed:

University Curriculum Committee

The Curriculum Committee shall consider curricular policies and procedures at both the undergraduate and graduate levels. The Committee shall consist of **twelve** faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. The Vice President for Faculty Development and Advancement, or their designee, shall be a non-voting ex-officio member.

The Committee shall annually elect its chairperson from the faculty representatives.

G.11

Current:

Teaching Evaluation Committee

The Teaching Evaluation Committee shall consider University-wide policies and procedures relating to the evaluation of teaching, which includes but is not limited to the use of student surveys. The Committee shall consist of nine faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. The Vice President for Faculty Development and Advancement, a representative from the Office of Distance Learning and the Assistant Director, Assessment and Testing shall serve as non-voting ex officio members.

The chairperson shall be appointed by the Steering Committee from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

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The chairperson shall be appointed by the Steering Committee from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

Resolution on Post-Tenure Review

The University Faculty Senate of Florida State University is committed to the principles of academic freedom and the institution of tenure as a defender of academic freedom. Academic freedom is fundamental to the success of Florida State University and to higher education in general as an essential incubator for democracy. Since its 1940 *Statement on the Principles of Academic Freedom and Tenure*, the American Association of University Professors (AAUP) has emphasized that procedures for evaluating faculty should not be used “to weaken or undermine the principles of academic freedom and tenure” and that disciplinary sanctions be imposed only with adequate peer review and due process. National adherence to these principles for the better part of the last ninety years has helped to make higher education in the United States the envy of the world, and is reflected in the Civil Discourse Statement that the BOG has adopted and asked us to endorse.

However, the procedures outlined in the Board of Governors’ (BOG) proposed regulation threaten academic freedom by weakening the foundations of tenure. In direct contravention of AAUP principles, it shifts the burden of proof from the institution to the individual--relieving administration of the need to show cause for dismissal and obligating tenured faculty members to prove why they should be retained. Moreover, in concert with the internally referenced statutes, it is potentially punitive. In its Statement on Core Principles, the AAUP explains that

“The academic freedom of faculty members includes the freedom to express their views (1) on academic matters in the classroom and in the conduct of research, (2) on matters having to do with their institution and its policies, and (3) on issues of public interest generally, and to do so even if their views are in conflict with one or another received wisdom. In short, faculty must be free to teach, engage in research, and participate in institutional governance without fear of punishment or repercussions because their legitimate academic activities are politically controversial or unpopular.”

The proposal targets exactly this freedom, and it is potentially viewpoint discriminatory by incorporating statutorily heightened scrutiny for controversial topics of instruction and ill-defined admonitions against faculty “indoctrination.” Finally, it is redundant and unnecessarily costly because the University already has post-tenure review procedures that enable it to discipline and remove tenured faculty for cause.

Firm protections for academic freedom, including tenure, attract the best faculty to Florida, which has been recognized as having the top state university system in the nation. Weakening the institution of tenure will harm universities across the state, undermining our ability to recruit and retain the best researchers, teachers, and mentors to our students. This damage to our mission and our reputation will negatively affect student success, university rankings, and post-graduate employment opportunities.

Be it resolved that the Faculty Senate of Florida State University opposes the BOG’s proposed regulation on post-tenure review as it stands and urges the BOG to reconsider its proposal. We ask the BOG to amend the proposal to ensure the critical protections of faculty evaluation and the fundamental fairness that due process ensures. We call on the BOG to honor the important tradition of shared university governance by working together with faculty across the state in safeguarding academic freedom through a fair and robust system of tenure.