



MINUTES
FACULTY SENATE MEETING
DECEMBER 3, 2008
DODD HALL AUDITORIUM
3:35 P.M.

I. **Regular Session**

The regular session of the 2008-09 Faculty Senate was held on Wednesday, December 3, 2008. Faculty Senate President Jayne Standley presided.

The following members attended the Senate meeting:

M. Allen, T. Baker, K. Bearor, J. Beckham, S. Bellenot, P. Bowen, J. Bowers, R. Bruschweiler, K. Burnett, D. Butler, M. Cai, E. Chicken, J. Clendinning, J. Cobbe, R. Coleman, E. Cormier, F. Davis, L. deHaven-Smith, J. Dorsey, J. Druash, A. El-Azab, K. Erndl, J. Fiorito, S. Fiorito, A. Gaiser, A. Gallard, J. Geringer, P. Gilmer, C. Greek, J. Hinterlong, P. Iatorola, M. Kabbaj, D. Latham, S. Lewis, L. Lyons, C. Madsen, K. McCullough, W. Mio, D. Moore, R. Morris, A. Mullis, J. O'Rourke, R. Pekurny, J. Pignatiello, V. Richard Auzenne, G. Rogachev, H. Schmidt, R. Schwartz, J. Sickinger, S. Southerland, J. Standley, E. Stewart, M. Sussman, H. Tang, S. Thomas-Tate, E. Trowers, C. Upchurch, D. VonGlahn, L. Wakamiya, E. Walker, M. Wasko, C. Weissert, W. Weissert, P. Young, X. Yuan.

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

F. Abbott, T. Adams, C. Alamo, I. Audirac, W. Berry, R. Blaufarb, D. Butler, R. Clarke (**V. Costa**), B. Diskin, J. Dodge, I. Eberstein, L. Edwards, W Hochwarter, T. Houtt, E. Klassen, G. Knight, W. Landing (**F. Froelich**), W. Leparulo, C. Luongo, T. Matherly, V. Mesev, J. Milligan, S. Milton, P. Munton, R. Radach, R. Romanchuk, K. Rost, O. Steinbock, J. Sobanjo, J. Spraggins, N. Trafford, J. Turner, P. Villeneuve, Y. Wang, C. Ward (**G. Doran**), P. Ward, L. Wexler, C. Wiebe, J. Zheng.

II. **Approval of the Minutes**

The minutes of the October 15, 2008 meeting were approved as distributed.

III. **Approval of the Agenda**

The agenda was approved as distributed.

IV. Report of the Steering Committee, E. Walker

Since the October Senate meeting, the steering committee has met three times in weekly session and once with President Wetherell and Provost Abele. Members of the steering committee also represented the faculty at the November 14, 2008 meeting of the Board of Trustees.

Our primary focus in all these meetings has been the budget crisis facing the university in light of state, national, and international financial upheavals. The President has appointed a Budget Crisis Committee which has begun to meet; the steering committee made the case for faculty representation on that committee and can report to you that there are three faculty members among that group of about a dozen members of central administration: Senate President Jayne Standley, Senate steering committee vice-chair Eric Walker, and Professor Thomas McCaleb from the Department of Economics. This committee is now meeting weekly. We are also glad to report that the administration has pledged their commitment to principles of openness and transparency in this hard process, in which the university is staring at the prospect of an additional cut on the order of 10% for FY 09-10, on top of the multiple cuts already absorbed. A Blackboard site is under development on which data shaping these decisions will be posted and which will also invite questions and ideas about ways to preserve our core missions while making necessary cuts. Vice President Robert Bradley is here today to give you a more detailed update about ways the university is managing the budget crisis.

President Standley reported to us that the Provost announced at the fall meeting of Chairs and Deans that the academic reorganization plan was now on hold, bumped out of priority by the budget crisis. We also discussed the status of the proposed overhaul of the Non-Tenure Track Faculty system, the teaching portion of which has moved into the bargaining stage with the union. Representatives of the steering committee met with representatives of the union bargaining team to discuss principles governing the report approved by the Senate, prior to their meeting with the administration. In response to the revised policy on grievance representation announced by the union, the steering committee reminded faculty of the established grievance procedure within the Senate system. Finally, at our most recent meeting, we discussed proposed revisions from the Graduate Policy committee to the definition of the university representative on doctoral committees; we have asked the GPC to clarify a few points in the proposal before it comes to the floor of the Senate for action.

This concludes the report of the steering committee.

V. Report of Standing Committees

There were no reports of Standing Committees.

VI. Special Order: Update on the Budget, B. Bradley

(See addendum 1.) Rather than display it behind me, I gave you a piece of paper to take away, and it looks something like this on the first page. What I'd thought I'd do to you is talk to you about the state situation, as I understand it, and then talk about the budget crisis committee and what we're doing right now. I don't pretend to know everything they're going to do in the future but I'll tell you everything I can tell you.

First, with respect to the state situation, you no doubt read in the newspaper a week or so ago about the latest meeting of the state of revenue estimating conference having to do with general revenue. They met and gave their estimates and the paper properly conveyed them as pessimistic. Why are we talking about general revenue? You remember a couple of times back; I talked about the state budget. The state budget is \$60 billion. About less than 40% is in general revenue; most of it is in trust funds. The general revenue portion is where almost all of our budget at the University is so it's especially important to us. About 75% of general revenue comes from sales tax but there have been other pieces in there that over time have gotten large and then have shrunk. So the general revenue estimating conference is of special importance to us. That's why those conference results were so meaningful to us.

Let's just briefly discuss where we've been and where we are. In the middle of that first page, there's a little sunburst with a 1 by it; you'll see it in the pink row. That's the starting position. A year ago, when the legislature passed its budget – well, not a year ago; only about 7 or 8 months ago – they passed a budget and it is soon, basically, that we're going to get \$25, zero \$53 worth of recurring revenues. I'm going to divide the revenue situation up. You're heard this "recurring" and "nonrecurring revenues." Reoccurring revenue is one that you can reasonably expect to have reoccur every year on the basis of the revenues you have in place in the sales tax revenues, which are revenues that occur periodically. It could be when we get settlements from various corporations. Those monies will go in there. When you get various you do away with taxes, you get a bunch of nonrecurring revenues. There's a whole serious reasons why you get nonrecurring revenues. Historically, they have been in the \$300 range.

You can see with last year that we assumed that we were going to have \$1.297 million worth of nonrecurring, so the total budget was \$26 billion. That's where we started this year and in the legislature last year.

We know that in August, the revenue estimating conference met at that time and I'm going to focus on the recurring revenues right now. They've lowered the estimate to \$23.287 billion of recurring so they shrank at that point in time about \$1.8 billion. Since then, of course, we had October, and the fiscal crisis. When the revenue estimating conference met a couple of weeks ago, they lowered the recurring estimate another \$1.4 billion so now we'll have \$21.8 billion: in other words, about \$3.2 billion less than assumed. That's a sizable percentage off \$25 [billion]. You'll notice that the number of recurring revenues actually have increased a little. Why? In August, when the August estimating conference moved down, the Governor transferred about \$700 million worth of trust fund monies into GR (these were one time monies), about \$700 million. He built up the nonrecurring dollars. That \$1.019 and the \$700 million is all that's in nonrecurring right now. Those other numbers are other numbers that I've found practically. I've thought to myself, "If I was solving this problem and I was the Governor, what would I do at this point in time?" Well, I would do something. One thing that I would do is not use all of my nonrecurring reserves. Why? Because for 15 straight months, the collections coming in from our revenue structure have been less than estimated, unprecedented decline in Florida history. Given that, I would not use up all of my reserves against the future, but I would use some of the reserves. I said to myself, "\$300 million," but you can cross through that number if you want. We have \$21.884 billion with which to operate the state government. Back in the legislature, on a little sunburst #3, we have \$24.974 billion worth of expenditures. We actually at that time had spent \$25.756 billion. We still had some nonrecurring reserves and we actually had some recurring reserves at that point in time. Why? Because, actually, I don't think they believed the numbers back in April either. So, at that point in time, we were imbalanced. After the August estimating conference, the state has held back 4% from everyone, from all of the agencies and from us. That's approximately \$1 billion. So we lost that in August. Now, I had another number there: \$8.42 million under it. That number hasn't happened yet. If I was the Governor, that's what I would do. But he may not do that. He may go out and use all of the reserves of the state. That's somewhat of a problem to us because we, Florida State, have large reserves showing and they can come and get our reserves, which would be a very bad thing. Of course, we would rather they actually look a little deeper on recurring cuts; that's sort of the posture that Alex Sink's in that you're reading about. She wants to come back in session, do additional cuts recurring, in addition to the 4%.

Why don't they do that? For a lot of agencies, that's exceptionally difficult. They're about halfway through the year now. If you're trying to take a 3% cut, that's like taking 6% of your money. If you're in a social service agency, that's exceptionally difficult. So that's why they're at the other end in my mind. Anyway, they have to balance at the end of this year. They have to get to zero. In the little plan that I put together, we had, down there in the bottom right hand corner, \$.001 million left, so we were in balance. So nobody ever does the budget like that. They never leave that little amount of money. They've got to have some other money out there. Now where would they get that other money? From other reserves. What other reserves are we talking about? Those are reserves such as the Budget Stabilization Fund, if you remember from the presentation I gave. The Budget Stabilization Fund is the mandated fund that has to be 5% of recurring general revenue on a 3 year average. That amount is moving down but we have about \$1.3 million in that fund right now, which traditionally has sounded like a lot of money but with the fluctuations we've seen, it's not so much money. So we have \$1.3 million there.

There used to be about \$2 billion in something called The Lawton Chiles Foundation Fund. That fund has experienced the same sort of problems that many of our retirements have and has shrunk dramatically, so there's somewhere between \$1.1 and \$1.4 billion there. We still have showing at the state level, in two funds, over \$2 billion in nonrecurring reserves. One of the things people are talking about is maybe we should go there. That turns out to be barely enough to make it if we just go that route. We can make it but you are using (from an old friend of mine), "All your seed corn right now before you have to plant for next year." That's the situation for this year. This will be the largest single cut ever in Florida history by far. The only other time we have approached this is in the every 70s when we had a recession, and at that time, we passed a substantial amount of new taxes so we offset that. So we're never had cuts like that before.

What does next year look like? This is the point in which the newspapers totally lose it but it's always good to look at the real numbers. Next year, we were expecting, back when the budget was passed, about \$24.654 billion. Now, we are backing off that estimate by about 2.338. Now, if you recall, you had \$3 million in your head a second ago and now you're backing off by 2.3. What's happened? The estimators are assuming that in the 2009-2010 fiscal year, there will be some marginal increase in revenues. In other words, they're assuming that in the next fiscal year, the economy is going to come back a little at the end – about \$400 million. Now, that's not much, but they're optimistic about the end of next year. Not everybody is optimistic about that but that \$400 million makes a big difference so if you just keep that starburst #4 in your mind, 22.316, and you look

back to starburst #2, you can see the over \$400 million of new revenue of over where we are this year. What the estimating conference is assuming is that most of the pain of this recession is occurring in this fiscal year. That's important to note.

I'll say two other things about what the estimating conference is assuming. If you look down, at the very end, they project out a few years. If you look down in the 2010, 2011, 2012, you'll notice as compared to starburst #4, revenues are up quite a bit: 22.316 is a projected up over 24.262 as projected to next year as 26. They have us coming out of the recession at the end of the next fiscal year and then moving up, quite smartly, in the after years. Not everybody agrees with that. There are a few economists here; they may or may not agree with that.

(When does the fiscal year start?) It starts July 1st.

Now, what budget reductions are we talking about? If we're talking about the reductions just in the third fiscal year, it gets to where we started this fiscal year. It will be a 12.6% general revenue reduction. I'm not talking about the things over in lottery where we also get money which also is having unprecedented problems. It would be a 12/6% reduction. If you talk about going into next year, if somehow we can stretch the money out, we're talking about a 10.9% or an 11% reduction. Now those are all based on, I would say, still somewhat optimistic view of the world. They're all basically balancing the zero and hoping that we have enough trust in folks that things over there will balance. I already talked a little about the use of reserves. There are several places where they can get money.

The one thing I haven't mentioned this year is federal stimulus money. It seems increasingly clear that in January, it is proposed, there will be some federal stimulus money. Some of that money will be money going to the states; maybe a lot of that money will go to help offset Medicaid. Why is that important? Because Medicaid is our single, largest expenditure in the state budget. It is countercyclical in nature, which means it grows when the economy is bad. It is projected to increase substantially next year. A lot of those expenditures are mandated; the state can't get out of it. If they have to track up with that Medicaid mandates, then that money will make the cuts coming out of the rest of the state budget even deeper. So the federal stimulus would really help, even if we don't necessarily like the federal government spending so much money. But the stimulus is probably in play.

With regard to other odd items in play – you've heard these as well as I – the thing that's easiest to do as far as taxes in the short run because the infrastructure in already in place is a cigarette tax. We used to be among the highest taxed states in the nation in cigarette taxes and that's when we were 39.1 cents per

package. We're still at that. Now, most of the states are up over \$1. It's been a long time since we've passed any taxes so they could go there. They could get that to the extent that the European economies come back and the Asian economies come back before us and we get tobacco-addicted farmers to come here and that would help us. There are some other pieces that you could use, most of them aren't favored too much in the state. In general, the state is not in favor of doing anything on taxes. But once they lay the cuts out, there's going to be a lot of pressure on them to do something because the cuts are going to be of unprecedented magnitude and involve services and things that people really like, including here at the University. There is going to be pressure on that budget; not just from Medicaid as I mentioned but also from corrections. We've just spent several years increasing the amount of time various people spend interest. All that time, adjustments are coming home to roost; corrections' budget is due for a very large increase this year, unless they do something over in corrections. The past size amendment K-12 is still at play. That still has some costs associated with it. The judiciary cost – you've already seen with the public defenders. They're not taking on new cases. You might think that that enables them to escape cost because it enables the public defenders to get out of the cost but the state still has to pick up the bill or private contractors, which means that those costs come in at even more than the public defenders' so there will be pressure there. And of course, our main competition, especially given the way the House of Representatives here has reorganized themselves into having two appropriations committees, some things are cutting, some things are expanding. Two appropriations committees is the new state college. We are in the process of starting a new college system and there's a lot of commitment among the Legislature to do something for our new state college.

Those will be pressures all bidding up how much money needs to be spent and to the extent that we haven't done anything in additional revenues, then that would require deeper cuts. So that's the revenue estimating problems. Before I move on, are there questions on this?

With respect to the Budget Crisis Committee, you may or may not have heard of this committee. You should be getting an announcement on Blackboard tomorrow about a place to go to look for some materials. We'll put them up, idiosyncratically, I'm sure, over time. That's a committee that is composed of all the vice presidents. It has Jayne Stanley, Eric Walker, Tom McCaleb, Ralph Alvarez, and Liz Maryanski. That committee has started meeting. We've had two meetings so far going over the scale of the problem and then we're beginning the process to try to figure what sorts of things we can do. In the discussion that we had on Monday, we talked about things such as various principles we might want to adopt. We're making a bunch of reductions. We

talked about what do we do in the short run and what do we do in the longer run. I think the agreement we agreed to on Monday is that in the short run, we need to find out how everybody on campus, or how almost everybody on campus, would take a 10% budget cut, beginning July 1, 2009. How would they do 10%? It's my expectation that not everybody will take a 10% budget cut. There will be some things exempted right off the top, I believe. For example, utilities will be exempted. Insurance will be exempted. There's a whole series of things that we pretty much have to pay. It's really hard to get out of them.

And then there will be things such as we'll go comb the library, which I'm lobbying for, to get that exempted, since we already have a problem in that budget. Not only is it too low, it's a deficit. The moral of the story is when you take 10% across EUG from all the University that requires a cut of about \$35 million. \$35 million is a really large number. It is really hard to figure out how to do \$35 million. So it is going to take a lot of effort on our part. This is not a matter of nicking a few things, shutting down the phones, and going home. These are unprecedentedly large cuts. For example, let's take the Ringling [Museum]. Let's face it – we have maybe one student there a year doing some conservation work. There are almost no students there. It's a benefit primarily to the state and the Sarasota community. All the money that they're raising which is going to the Foundation we don't get to use. Mostly we're spending a lot of Foundation money and time to raise that money so the Ringling is mostly not that valuable to us. It's nice to have, to say we've got it, but I don't know how many of you have been down there. They've added a new wing; it's really nice. They've added a new circus museum. It's nice but it's \$8 million. It's always been politically protected. Well, if you're politically protected totally, even against 10%, that means somebody else has to pick up \$800,000. Meanwhile, it's not helping our graduate students or undergraduate students. It's not helping out faculty, too much. I'm sure \$8 million out of \$35 million – that's something. If you get rid of the Ringling, you've got \$8 million. Now you only have \$27 million more to go. That's huge.

Now, some of you may be with theater, the Asolo Theater. That does 30 students a year. It costs about \$3 million a year to run and there are some utilities to be paid. They're master students – that's good. That's \$3 million. But you could get rid of many, many things and you don't even get halfway to \$35 million. The donor magnitude is large. That's what the Budget Crisis Committee is going to be wrestling with over the next several weeks. My hunch is that a memo will go out to the various deans tomorrow, saying, "Here's the 10% plans." Then we will come back and say, "No matter what we want to do, we can't cut that. We can't cut that thing. We can't even do 10% with that thing. That plan is not feasible." Now, we know the deans will initially try to do the Washington

Monument thing and put it in the stocks. Nobody would cut. We'll have to go back and say, "No, this is for real. What is your real cut?" And we know that some people will be upset about that because the fact of the matter is that the things that they submit to us initially are not ultimately going to be cut in total, I think. There will be some programs that will be excluded in the cuts. I think there are some programs that are going to cut hard. Which ones those are? I think it's unfair to say now because I don't really have settled ideas. And even if I took all my settled ideas, I couldn't imagine how to cut \$35 million because that's a lot of money. It seems like it wouldn't be that much but we've already done \$26.1 million. We're going to put another \$35 million on this. We're already at the bottom of all the universities in the country in tuition, middle of the pack in state aid, and that's fallen dramatically. We're not like other places. When Missouri cut 20%, they were 60% above us in average dollars per FDE. We're already very lean and y'all know that. So getting to \$35 million is hard. That's the committee will be doing and I think at the next meeting we'll probably say, "Okay, what things are we going to try to exempt?" We'll start out exempting. Some of those things will be interactive. For example, we spent \$13.5 million on financial aid, outside of the financial aid that comes to the students. That's \$13.5 million of our money. With the new plan that's been announced by the governor, it's a good thing but the fact of the matter is the differential tuition only brings in about \$5 million the first year. It's better than nothing but it doesn't begin to solve the problem. So we'll be wrestling with that issue.

My hunch is that we will have to develop all of these plans, finalized, by January. There's a chance there will be a special session in January. At that point in time, the Legislature – who knows what they'll do. The best thing they could do is enact something to do some additional cuts and try to square things up as best as they can and then finish the job next year. If they don't want to do that and they want to all the cuts, that'll be harder on us. But they will be asking for plans and budget cuts shortly thereafter. Now, when we do budget cuts, we don't get to do them by ourselves. We have to submit those budget cuts; they have to go through the Board of Trustees so there will be programs that the BOT really, really like that nobody else on campus could figure out why they like. That'll just be the case. They may not take our recommendations but let's say they do. Then it still has to go up to the Board of Governors and then ultimately that has to be signed off by the governor's office. So there are a lot of potential tricks in to that situation before you get there. Whatever we do, we know by the Union contract, to the extent that any of these things effect terms and conditions, layoffs, terminations, there is built into the contract a fairly extensive notification process. The Union will have to be involved in this and I assume that the faculty members are talking to them on a somewhat regular basis. We know that we're

going to have to go back and look into the human relations policies of the University. What can we do? I'm not trying to scare anybody. It is almost unimaginable to me that we can get through this without doing some layoffs. I can't think of how it can be done. We can do some things that bring in additional revenues to the University. That's good. It would be nice if, for example, we could get the state to sign off on our auxiliary policy with regard to the Distance Learning Program. There are some other things we can do. The difficulty is that a lot of these things take a while to gear up and you have to have enough cash to get you there. We have put aside a fair amount of cash. One thing the governor could do is come down and grab it all. That money doesn't belong to us; it belongs to the citizens of Florida. He can get it any time he wants. If that happens, that is a very bad situation. But there are things that have been proposed. We had a discussion the other day where we talked about how much money would be freed up if you had furloughs. What happens if we start the 9 month contractual period at different times so there's some money freed up? All of those things – they're good ideas – but they have to go by the Union and be approved in the legislative process. But in the end of the day, we have to come into balance. So that will be the challenge of the next months. Any questions?

(Question asked) That was raised at the meeting the other day. Actually, I raised it. The committee hasn't made any decisions on stuff like that. I think that the first thing they'll do is get a list of exemptions. Then they'll get a list of a bunch of ideas – how much impact can they bring. Once they come to some kind of recommendation by the president, then we'll have a plan. The problem with salary cuts, of course, is that we're already at the professorial level and the associate level we're already bad. The only that's probably holding some of the best professors here is the great housing department. You can't sell your house. We've got that helping us. Otherwise, people would flee. There are only 12 states with economies that are doing well. We happen to be doing fairly worse than all of the others. We just start talking about this and then compile the lists. We're going to meet again.

(Question asked) I don't know. Maybe so, maybe so. One thing that we're going to have to do in all of this is enrollment can not decline. If enrollment declines, that's called a budget cut. That's additional money you don't have. One of the things we're working hard on right now is getting more out of state students to enroll with the University as undergrads. Why don't we do that for full-paying international students? I'm sure there are some of those out there. That change has to be taken to the BOT. Getting out of state students is not foreign to some of you. The University of Maine's target for in state students is 15% of their undergrad student body. Maybe 5% will come from out of state. Colorado is in the same boat. It would be nice if we had mountains or were right next to the beach – that would help us.

(Question asked) I think there are 9 state colleges. These emerged quickly and have already changed their names. There is lots and lots of work to be done. People really want those things – Okaloosa and Chipola Community College are both going that way. I think Okaloosa is now called Northwest Florida State College. There are these 9 new colleges, all of whom have to be in the process of hiring new faculty for their upper level courses. And they're doing all the stuff necessary – that's a lot of work. And then of course they're phasing in a couple and a half new medical schools. Those are all reoccurring commitments – UCF, FIU, and FAU are expecting these. The only way you get recurring dollars is to make people attend your school. I'm not predicting things as quickly. They've gone deeper this year than I would have gone. I neglected to do so. They went deeper than they went this year but their next year is more optimistic.

VII. Special Order: Update on NCAA Meeting, J. Beckham

On two previous occasions in the last year, I have reported to the Faculty Senate on the course of investigations involving allegations of NCAA violations in Florida State University's Athletic Department. Those reports chronicled the University's initial response in March of 2007 when a student-athlete reported that he was asked by a learning specialist employed by Athletic Academic Support Services to complete responses to an online quiz on behalf of another student. This report led the President of the University to direct that the Office of Audit Services conduct an independent inquiry to include all those student-athletes with whom the learning specialist worked. The Audit Services investigation was expanded when it was reported that a part-time tutor employed by Athletic Academic Support Services had provided inappropriate assistance to student-athletes enrolled in an on-line course.

Throughout the spring and summer of 2007, Audit Services conducted interviews with 129 student-athletes and 14 University employees. In the course of that investigation, twenty-two student-athletes admitted they had received varying degrees of inappropriate aid from the tutor. In the course of this inquiry, it was learned that the online examinations were not administered in a structured environment under the supervision of a proctor and did not change from semester to semester. The tutor provided answers to student-athletes or directed student-athletes to the source for answers during the examinations. It was also discovered that the learning specialist had provided improper assistance to at least one student-athlete during an on-line quiz and may have provided an extra-benefit in typing papers for student-athletes.

The Audit Services report was made public on September 26, 2007 and sent to

the NCAA by the President. However, because there were concerns that the precise extent of the academic misconduct involving the online course was not completely known, the President appointed an ad hoc committee [Committee] in early October of 2007 to conduct further inquiry. Under the leadership of the Provost, this Committee was directed to insure a thorough inquiry was conducted, provide a detailed report to the President, and propose immediate and long-term corrective actions where appropriate. At the same time, the University retained the services of an external consultant, The Compliance Group, to assist in the conduct of the inquiry, the reinstatement of student-athletes who had admitted their misconduct, and the development of a final report to the NCAA. Throughout the process, the NCAA and ACC were made aware of the ongoing inquiry at regular intervals and NCAA staff participated in selected interviews with staff and student-athletes throughout the fall of 2007.

In the course of its investigation, the Committee collected a substantial amount of circumstantial evidence that implicated additional student-athletes, who took the on-line course in the fall of 2006, and the spring and summer of 2007. However, this evidence, in many cases, was believed to be insufficient to meet the NCAA burden of proof for academic fraud. It was the Committee's view that many student-athletes who were implicated by this evidence were unwilling to admit involvement out of fear that their athletic and academic eligibility would be significantly compromised. There was general awareness among student-athletes that academic misconduct would result in loss of one year's eligibility and removal from competition for a period of one year.

To address this barrier to a complete and thorough investigation, the President and the members of the Committee conferred with the NCAA enforcement and eligibility staff at NCAA headquarters in Indianapolis on November 12, 2007. At this meeting, the University contended that extenuating circumstances warranted mitigation of eligibility penalties for student athletes. These extenuating circumstances included evidence that the online course had been significantly compromised because online test questions had not changed from semester to semester. Because test questions had not changed, the part-time tutor was able to memorize questions and answers. Another element that compromised the course was the lax administration of the on-line examinations, which provided no oversight of students taking the test, whether student-athletes or other students enrolled in the course. In order to insure greater student-athlete cooperation in the continuing investigation, the University proposed that a 30% loss of one year's eligibility be imposed on those student-athletes who came forward, acknowledged involvement and cooperated with the University's investigation. The NCAA enforcement staff agreed to the reduction in eligibility penalties in the interest of achieving full disclosure of the extent of

academic misconduct.

Prior to the 30% loss of eligibility proposal, twenty-two student-athletes came forward. Following the agreement with the NCAA staff, a second group of thirty-nine student-athletes admitted involvement in receiving improper assistance on one or more of the five on-line examinations in the course. The additional information provided in the interviews with these student-athletes led the Committee to conclude that Athletic Academic Support Services did not adequately monitor the on-line class, effectively proctor the administration of examinations, or properly supervise key staff who facilitated instances of academic misconduct. It was also concluded that the on-line course had been significantly compromised. As a consequence, the Provost, after consultation with the Committee and other academic leadership within the University, directed that all student-athletes who took the course in the fall of 2006 and the spring and summer of 2007 were required to retake the on-line examinations in the spring of 2008.

At the conclusion of the Committee's inquiry, the President directed that a series of corrective actions be implemented. These actions included personnel changes in Athletic Academic Support Services, requirements that student-athletes take on-line examinations in a proctored environment outside the Moore Center, that Athletic Academic Support Services staff have "read only" access to student-athlete Blackboard information, that systematic oversight and monitoring of the performance and training of tutors be enhanced within Athletic Academic Support Services and that student-athletes receive information on what type of academic assistance is permissible by tutors. In addition, enhanced monitoring of grade trends for student-athletes would be conducted by the University Registrar and distributed to the Provost, Faculty Athletic Representative, Dean of Undergraduate Studies and Chair of the Academics Subcommittee of the Athletics Committee on a semester-to-semester basis.

On Saturday, October 18, 2008, the NCAA Committee on Infractions held a day-long hearing concerning violations of NCAA policies by Florida State University. The hearing was held to address three primary violations of NCAA rules. Those violations involved providing extra benefits to selected student-athletes, academic fraud, and failure to adequately monitor employees within the Athletic Academic Support Services unit. Prior to this hearing, the University responded to a series of interrogatories contained in a "Notice of Allegations" from the NCAA. The University acknowledged primary responsibility for the three violations due to a compromised on-line course, the misconduct of three Athletic Academic Support Services staff and failure of adequate oversight. In its defense, the University emphasized the unique context of the online course and

the circumstances that surrounded its administration, due diligence in conducting a thorough investigation of all allegations that followed the NCAA's recommended path to resolution, and continuing efforts to insure appropriate oversight of Athletic Academic Support Services through the Department of Athletics, the Dean of Undergraduate Studies and the University's Athletic Committee. The University also asked that the NCAA agree to the institution's self-imposed penalties, which included a two-year probation effective February 13, 2008 and a reduction in athletic grant-in-aids in selected sports based on the number of student-athletes involved in academic misconduct in those sports

The recommendations of the Committee on Infractions will be made known to us very shortly. The NCAA makes provision for an institution to appeal any findings of fact or additional punitive measures that may be recommended by this committee.

VIII. Old Business

There were no items of old business.

IX. New Business

There were no items of new business.

x. University Welfare

a. Updates on Bargaining and Related Matters, T. Baker

Ted Baker gave a brief update on bargaining for the new UFF-FSU faculty contract, and attempted to correct a remark heard earlier in the meeting about a change in the UFF policy regarding grievance representation, which seemed to suggest that the Senate grievance procedure was now the only recourse for faculty members who are not UFF members.

The UFF recognizes the Senate grievance procedure as an important complement to the CBA grievance procedure, for problems that are not violations of the CBA. However it is not a substitute.

Faculty members who believe they are victims of a violation of the Collective Bargaining agreement should still file grievances using the procedures in the CBA. It is true that, for liability and legal reasons, the UFF will no longer provide the service of a representative in grievance proceedings for individuals who are not UFF members. However, non-UFF are still protected by the Collective Bargaining Agreement, and can

only enforce those contractual rights through the procedures in the CBA. The only change is that a person who is not a UFF member must either represent themselves or hire a lawyer.

The UFF will still continue to enforce the contract, by monitoring all grievances, and may file chapter grievances on any issues that appear to have broad impact. Therefore, any bargaining unit member, whether UFF member or not, should still inform a UFF officer of any actions or incidents that appear to be contract violations.

The UFF also continues to represent all bargaining unit members in contract negotiations, and seeks input from all bargaining unit members regarding contract issues and priorities.

XI. Announcements by Deans and Other Administrative Officers

a. Academic Honor Policy, A. Rowe

Dean Anne Rowe and Dr. Jennifer Buchanan, Associate Dean of the Faculties, reminded the faculty about the Academic Honor Policy. It was revised in 2005 and was made more Faculty friendly. It is on the Dean of the Faculties website. The hand out referred to today shows that the Faculty are using this policy. (See addendum 2.) Dr. Buchanan explained that the Faculty do have representation on the Academic Honor Policy committee chaired by Amy McKenzie. This committee has met with the new athletic director and the new director of Academic Athletic Support Services. The committee has reviewed the policy and will be recommending some changes to the Steering Committee and Student Government.

Dean Rowe also reminded the Senate that the new revised Faculty Handbook is also on the web now at <http://facultyhandbook.fsu.edu/>.

b. Strozier Security Policy, R. Bichel

Most of you are aware of the incident that happened in Strozier. We have heard from students that the other incidents on campus we escalating their tensions about being in the library. AT the same time, we were getting feedback that non-FSU patrons were using library resources in a way that prevented FSU faculty and students from making use of those resources. We have implements security measures and policy shifts. We now implement checking ID's as people enter Strozier. For those who do not have FSU IDs, they are required to show a picture ID and sign a form.

Soon we will have turnstiles so that you will swipe your ID to gain access to the library. We have staff walk troughs throughout the building on an hourly basis. We have been involved in lighting discussions given the hours of operations of Strozier. Our policy change will require authentication meaning that patrons will have to log on the computers in the library. A date will be forthcoming.

XII. Announcements by Provost Abele

The Provost was not in attendance.

XIII. Announcements by President Wetherell

The President was not in attendance.

XIV. Adjournment

The meeting adjourned at 4:55 p.m.



Melissa Crawford
Faculty Senate Coordinator

Overview of State General Revenue Situation

Exercise Estimating Future Budget Actions: Only Current Non-recurring

22-Nov-08

Funds Available	Recurring	Non-recurring	Total
2008-2009			
Appropriations Revenues	\$25,053	\$1,297	\$26,350
Aug-08 Reserve trns	\$23,287	\$1,019	\$24,307
23-Nov (5.6% cut)	(\$1,403)	\$700	\$700
		\$29	(\$1,374)
		\$300	\$300
totals	\$21,884	\$2,048	\$23,933

a Starting point after 2009 session minus vetoes
 Actions
 1 August revenue forecast for current fiscal year
 2 Transfers from state reserves
 3 FI Econ Estimating Conf. did \$1,403 cut
 Assume pos. transfer of \$300 reserves to nr, note required BSA will decline by ~\$200 m

Expenditure			
2008-2009			
Appropriations	\$24,974	\$782	\$25,756
Aug-08 4% hold back	\$24,973	\$801	\$25,774
Post Nov 23 propose 3.4% cut	(\$842)		(\$842)
totals	\$23,131	\$801	\$23,932

a Starting point after 2009 session minus vetoes
 Actions
 1 Current Year Appropriations passed in session
 2 Based on Governor's actions
 3 pos. action needed to bring FY into balance with Max left for future actions

Ending Balance			
2008-2009			
Aug-08 after trns reserve + 4% hld bk	(\$1,686)	\$218	(\$1,467)
after Nov 23 pr 3.4% cut	(\$686)	\$918	\$233
	(\$1,247)	\$947	\$1

1 Balance after August forecast of revenues
 2 Balance using 4% hold back and transfer of reserves
 3 Balance using further cuts based on FI Econ Est conf. with \$0 balance (total reliance on other reserves)

Overview of State General Revenue Situation

Funds Available			
2009-2010			
Aug-08	\$24,654	\$109	\$24,763
23-Nov	(\$2,338)	(\$6)	(\$2,344)
totals	\$22,316	\$103	\$22,419

Actions

- 1 August revenue forecast for next fiscal year
- 2 FI Econ Estimating Conf. did \$2338 m cut

Expenditure			
2009-2010			
Aug-08	\$24,973		\$24,973
4% hold bk continuation	(\$1,000)		(\$1,000)
23-Nov continuation	(\$842)		(\$842)
2009-10 reductions 3.2% off \$25	(\$815)		(\$815)
totals	\$22,316		\$22,316

Actions

- 1 Current Year Appropriations cont. for exposition purposes
- 2 Based on 2008-9 Governor's actions
- 3 Based on 2008-9 assumed actions above
- 4 3.6% reduction off \$22.3 base to bring into balance w/ rev.

5 **Note that NR used for r in 2008-2009 is cut to \$0 restorations will require deeper reductions**

Ending Balance			
2009-2010			
Aug-08	(\$319)	\$109	(\$210)
4% cut	\$681	\$109	\$790
23-Nov	\$0	\$103	\$103

- 1 Balance after August forecast of rev. & Aug 08 expend.
- 2 Balance continuing 4% hold back and Aug 08 expend.
- 3 Balance using further cuts based on FI Econ Est conf. and further cuts (~3% & ~4%)

Funds Available			
2010-2011			
11/23/2008 est conf	\$24,262	\$102	\$24,365

- 1 Forecast of \$1.9 b increase in from 2010 to 2011

Funds Available			
2011-2012			
11/23/2008 est conf	\$26,474	\$102	\$26,576

- 1 Forecast of \$2.2 b increase in from 2011 to 2012

~11%

Percentage cut through 2009-10 of off of beginning 2008-2009 base not including restoration of nr expend

1. Use of reserves

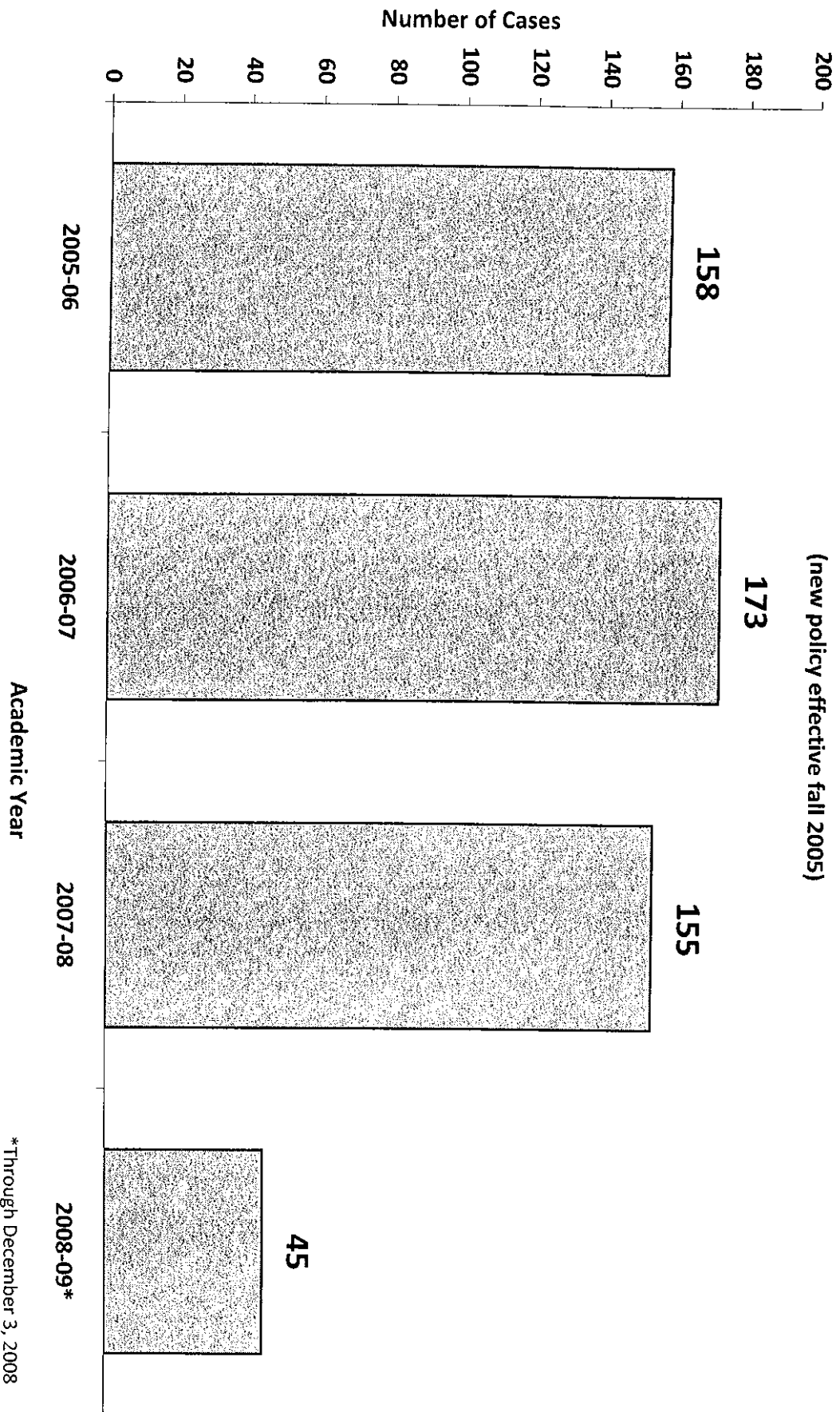
2. Use of additional revenues

3. handling of expenditure pressures

Examples

1. NonRecurring \$ -- (Budget Stabilization fund ~\$1.3 b. Chiles TF ~\$1.4 b & Use of TFs) + federal stimulus
2. Recurring \$ -- (~\$0.9 b w/ cigarettes to \$1/pack ~\$0.4 b. with gaming & Use of various Sales tax exp.)
3. Recurring \$ for Medicaid, corrections, class size, judiciary, New state colleges

Academic Honor Policy Violations by Academic Year
<http://dof.fsu.edu/honorpolicy.htm>
(new policy effective fall 2005)



*Through December 3, 2008