



MINUTES
FACULTY SENATE MEETING
SEPTEMBER 9, 2009
DODD HALL AUDITORIUM
3:35 P.M.

I. Regular Session

The regular session of the 2009-10 Faculty Senate was held on Wednesday, September 9, 2009. Faculty Senate President Eric Walker presided.

The following members attended the Senate meeting:

M. Allen, I. Audirac, T. Baker, E. Baumer, K. Bearor, J. Beckham, W. Berry, P. Born, P. Bowen, J. Bowers, R. Bruschweiler, M. Burmester, K. Burnett, D. Butler, M. Cai, J. Carbonell, A. Chan Hilton, E. Chicken, I. Chiorescu, J. Clendinning, R. Coleman, J. Dorsey, J. Druash, I. Eberstein, R. Eger, A. El-Azab, J. Fiorito, S. Fiorito, S. Foo, A. Gaiser, K. Gallivan, L. Garcia-Roig, J. Geringer, D. Gilbert, K. Harris, R. Hauber, J. Hinterlong, C. Hofacker, P. Iatarola, R. Ikard, M. Kabbaj, J. Koslow, W. Landing, D. Latham, B. Lee, J. Leiber, H. Li, L. Lyons, C. Madsen, R. Marrinan, D. Moore, A. Mullis, P. Munton, J. O'Rourke, R. Pekurny, J. Pignatiello, V. Richard Auzenne, J. Saltiel, R. Schwartz, J. Sickinger, S. Southerland, T. Stallins, J. Standley, E. Stewart, H. Tang, S. Thomas-Tate, J. Turner, D. Von Glahn, L. Wakamiya, E. Walker, Y. Wang, P. Ward, M. Wasko, L. Wexler, X. Yuan, J. Zheng.

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

B. Becker, J. Cobbe, D. Cooper, J. DeVillez, J. Dodge, R. Doel, L. Edwards, K. Erndl, M. Fenley, E. Hull, H. Kim, E. Klassen, T. Matherly, K. McCullough, J. Milligan, S. Milton, G. Rogachev, R. Romanchuk, K. Rost, H. Schmidt, J. Sobanjo, M. Sussman, N. Trafford, E. Trowers, C. Upchurch, P. Villeneuve.

II. Approval of the Minutes

The minutes of the April 22, 2009 meeting were approved as distributed.

III. Approval of the Agenda

The agenda was approved as distributed.

IV. Special Order: Remarks by the Senate President, E. Walker

Welcome back, and thanks again for your flexibility in the date change for this meeting. We needed to avoid a traffic jam with the Trustee meeting next week. Thanks too for

314 Westcott Building, 222 S. Copeland Avenue, P.O. Box 3061480, Tallahassee, FL 32306-1480

Telephone 850.644.6876, Fax 850.644.3375 • <http://facsenate.fsu.edu>

your help as we set up standing committees for the year. I appreciate your willingness to serve. I'll say a bit more about that process when we get to item VIII in today's agenda. We are in fact so full of gratitude for so many things that we decided to cancel the reception food usually arranged for you at the close of this, our first meeting.

Allow me to explain.

The issue with the food is not as you might expect a budget issue, but a space issue. When we book this room for one meeting a month, we have to override this scarce large-lecture space for any class which meets MW 3:30-5:00 or 5:15-6:30. That's not a wise use of resources, so we decided to return this room to Scheduling and Space for the 5:15-6:30 MW hour. Thus there will be 120 students arriving out in the lobby today for a 5:15 class. Many of them will be hungry. You get my drift. We'll arrange a social event in December in a different venue as an expression of our thanks.

Since we're on a short time leash, I'll abbreviate this annual occasion of Remarks by the Faculty Senate President and turn to two items of specific concern, the Budget Crisis and the Presidential Search.

Budget Crisis

As you well know, at their June 17 meeting, the University Board of Trustees passed a three-year budget plan that included significant numbers of staff and faculty layoffs. I explained my vote on this issue in an email update immediately following that meeting, and I won't rehearse those details again here. But I do want to underscore the point I made to the Trustees at that meeting, that the layoff of 21 tenured members of the faculty was and remains an issue of the utmost seriousness. Throughout the year, your faculty representatives on the Budget Crisis Committee recommended furlough plans in lieu of such layoffs, and I regret that we were not persuasive in that argument.

Let me remind you that the three-year budget plan is of necessity dynamic; there are many moving parts, including stimulus funds, tuition dollars, and future state allocations, which of course depend upon developments in the state and national economies. We will be vigilant in urging the university to revisit budget actions if changing circumstances warrant. In the flurry of debates about cuts and layoffs, I particularly do not want us to lose focus on the human and professional costs of these actions. At the summer commencement ceremony a month ago, I sat on the platform as your representative and watched three of our colleagues from the set of 21 tenured layoffs as each one hooded a doctoral candidate. These three colleagues conducted this ceremony with a grace and dignity that I could only dream of were I in their place.

Presidential Search

At that same June 17 BOT meeting, the President announced his wish to retire. Here is an update on the search process. A Presidential Search Advisory Committee (PSAC) will

be appointed, which will report to the Board of Trustees, which will make the presidential appointment. The Trustees have agreed to a PSAC structure of 18 members, including four faculty. We had hoped to have four names to present to you today for your approval, but we need a few more days to confer with possible nominees. I assure you that the steering committee will work to insure as much disciplinary and human diversity among this set as possible. The committee will have an organizational meeting next week, immediately following the Trustees meeting. The search consultant, John Hicks, will be on campus next week for these meetings and will be meeting with the steering committee. The timetable for the search is open; although events could possibly move to a rapid finish this fall term, that schedule appears increasingly unlikely.

Allow me, finally, to round off these updates with one larger point.

During the unhappy events of the summer, I learned a new vocabulary of governing principles for personnel actions. It seems that the guiding template to lay off employees is something called a "Business Needs Model," which phrase circulates in memos as something like an Eleventh Commandment. I appreciate the hard work of skilled staff in Human Resources during difficult times, but I have to confess that I grind my teeth when I am boxed into a position where I have to think of my professional workplace as squeezed into the prison of a "business needs model."

You may recall from Shakespeare 101 the moment in *King Lear* when his ungrateful daughters try to trim the old man's luggage allowance when he comes to visit. Who needs 100 servants?, one child complains. Why not just 50? Come to think of it, why not 25? Or 10? Or even five? When you get right down to it, "what need one?" At this moment in the play, Lear erupts in eloquent rage:

O reason not the need! Our basest beggars
Are in the poorest things superfluous.
Allow not nature more than nature needs,
Man's life is cheap as beasts. (II.4.264-67)

My point is that there is a limit beyond which what it means to be a faculty member, what it means to be a university, exceeds and defies quantification. It will not fit on a spreadsheet. The "business needs model" will fail us: "O reason not the need!"

I look forward to working with you during the coming year on the many pressing issues that are subject to quantification, and the many important topics that exceed accounting.

V. Report of the Steering Committee, J. Standley

The Faculty Senate Steering Committee met 4 times over the summer semester during May and June and then began regular weekly meetings again in August. Members also represented the Faculty at the BOT meeting in June. Throughout the summer President Walker sent detailed memos to the Senate to keep members abreast of input to the

administration and the administration's resulting decisions. On every occasion, the Steering Committee advocated for a university-wide furlough plan instead of the lay-off of tenured faculty. We did not prevail on this issue.

We met with the President in May and June and again last week. We met with the Provost twice, once in May and again last week.

The Steering Committee also met with Joe Nosari in May regarding the plan for assisting students in finishing degrees in programs suspended by budget cuts. The plans were detailed and well organized and we felt that the best provisions possible were being made to assist these students.

Over the summer the Steering committee considered and conducted the following business:

- Elected Jayne Standley as Vice-Chair.
- Appointed faculty to Senate committees whose confirmation you will be acting upon today.
- Nominated faculty to Presidential and Provost committees as requested.
- Approved changes to the Incomplete Grade Policy that will stipulate a contract for finalizing requirements to remove the Incomplete and identifying the earned grade if no further work should be completed. This policy will be on the agenda for Senate action in Oct. so please be alert to its arrival in your email.
- Received a report from the Campus-Wide Breathe Easy Initiative that is planning for the entire campus to be zoned "breathe easy" by 2010.

As representatives of the FSU Faculty Senate, Eric Walker attended a meeting of the state-wide Advisory Council of Faculty Senates in May. At this meeting, the budget crisis and changes in the Bright Futures program were discussed. Subsequent to that meeting, Frank Brogan was appointed to the Chancellor position.

The Steering Committee itemized problems with FACET with the Provost. The administration is aware of the problems and revisions are being attempted.

The Steering Committee is discussing with Dean Rowe a possible change to the policy for designating Emeritus Faculty that would allow senior faculty who leave the university without withdrawing retirement funds to be so designated. When details are finalized this will be on a future agenda of the Senate.

There are a number of very important issues for the coming academic year that we would alert you to: the Presidential Search, ongoing budget concerns, continued use of stimulus dollars, and turnover on the Board of Trustees.

Trustee turnover

There will be a number of Trustees whose terms will end in December, including Derrick Brooks, Harold Knowles, Richard McFarlain, and Andy Haggard. The steering committee sent a list of nominees to the BOG for consideration of appointment to these positions.

Presidential Search

The BOT has hired an outside firm, Academic Research, Inc. to assist with the Presidential Search. Our Senior Consultant is John Hicks. As per his input, a structure for the Advisory Committee to the BOT has been specified and members are currently being nominated by an identified entity. The Search Advisory Committee members will be officially appointed by the BOT on Thur., Sept. 17 and will meet on that day for the first time. All of this information is posted on the website www.president.fus.edu/search. Input is solicited from all segments of the university and provision made for nominations through that site. Faculty are strongly encouraged to participate in this process. The Steering Committee will meet with Mr. Hicks next week.

Confirmation of College Name Changes

The following name changes for Colleges have been identified since our last meeting and approved by the Steering Committee. The College of Social Sciences is revised to the College of Social Sciences and Public Policy. The College of Communication and the College of Information have merged into one, the College of Communication and Information. The College of Motion Picture, Television, and Recording Arts wishes to become the College of Motion Picture Arts. These name changes were approved by the faculty in each of the colleges and by the Faculty Senate Steering Committee this summer. I bring them now to the floor for confirmation by the Senate.

The motion passed unanimously.

Tenure/Tenure-Track Faculty Resolution (See addendum 1.)

Over the summer, the budget cuts were announced for this year. No further cuts are anticipated for this academic year or next unless the Florida economy worsens considerably. The administration is considering how to most effectively spend stimulus dollars. At this point in time, hiring freezes are still in effect and the Executive Committee of the University is still functioning to approve waivers to that policy. There are no immediate plans to hire new faculty such as that at UF though our student/faculty ratio is much worse than the University of Florida's reported numbers. However, during discussion of the increase in numbers of non-tenure track faculty at FSU, the Provost recently invited the Steering Committee to suggest a marker for the desired level of tenure-track faculty at FSU. As you may remember, the Senate has been

dealing with this issue since the report on non-tenure track faculty status. In the 2007-08 academic year, the university Factbook showed 1192 tenured and tenure-track faculty for 41,065 students (Fall enrollment headcount data) with a resulting faculty to student ratio of 34.5 to 1 or using FTE data (28,157.6), a ratio of 23.6 to 1. Though the data are not yet finalized for this fall, we have lost 21 tenured faculty and many of our young tenure-track faculty and the situation has worsened. Therefore, the Steering Committee brings a resolution to you for action today on this issue which will not solve the overall faculty to student ratio problem but will focus the attention of the administration and Trustees on immediate restoration of tenured/ tenure-track faculty numbers as soon as possible according to the needs of each College.

The motion passed unanimously.

VI. Special Order: Budget Update, L. Abele

The questions that you've been discussing are extremely interesting. My sense is that in the ratio of tenure track to non tenure track, we're very good – well above the national average. In other words, starting about probably 20 years ago, there was a big shift to using a lot more non tenure track. So in that measure, we're in pretty good shape. Where we're not in good shape is the number of faculty to the number of students and that's an area we really need to work on, but I find it interesting that at least – in serving as the Dean or the Provost, I never told the department, "This is where you have to go" or "This is what you have to hire," but a lot of departments chose very positive and creative ways to allow the faculty to maintain strong research departments and still serve students. I don't know if the English department still does the rotating post-doctorals? Well, the ratio of tenure track to non tenure track and the budget reduction was for a lot of reasons significantly more non tenure track and non tenure earning individuals.

The state is required to give a budget update on a regular basis and September 3 is when the State of Florida Office of Economic and Demographic Research presented to the Legislature and nothing they said will surprise you. The national gross domestic product continued shrinking. Last fiscal quarter was down about 1.7%. Unemployment, in Florida, statewide, is 10.9% and it has hit 16% in some counties – Collier County, for example. The population of Florida shrunk for the first time in recorded history – or at least since they've been keeping data. And I've always felt mixed about living in a Ponzi state. The only way we maintain very low taxes is growth and if we don't get our 1,000 or so people a day, things are not going to go as well. And we're not getting 1,000 people a day. In fact, we're losing about, depending upon which numbers, somewhere between 100 and 200 a day. The average house in Florida lost 44% of its value last year. Because of our unusual tax structure, where so much government is really paid for locally - very little is paid for by the state and that creates an additional stress on the economy. That all said, the optimistic projection that they gave and I would recommend anyone who wants, it's about a 70 page – mostly slides but it has a lot of data backing them up, just go to the Office of Economic and Demographic

Research and you can get the whole thing. But it looks like their best estimate is late 2010, it will start leveling out and 2011, 2012, it will begin a positive return. As long as we don't think about a positive return as a 2006 or a 2005 number, I think we'll be okay. That's what it looks like right now. We are hedging our bets. If you look at the 3 year budget plan, to try and do 2 things in 2011 and 2012. I say try because you can't guarantee anything. One, salary increases and to get back faculty that we lost. If the budget continues at its present rate, we should be able to do that. That has one negative that means between now and then, all of the new money from differential tuition – and we had some pretty good success without out-of-state recruiting, even though we started late. We are going to redouble our efforts there and 600 students doesn't sound like a huge number, but at \$20,000 a piece, compared to in-state at \$2,000 a piece, it's a pretty big difference. And we think we can get that number up to 1,500. Just to reiterate the strategy, we've looked at everywhere students apply to us from out of state, we've looked at the in-state tuition there, and discounted for the high end student plus or minus about \$1,000 difference to the in-state. So Vermont, where we didn't have very many applications, in-state tuition was \$16,800, so we came in at \$15,000. New York is about \$12,000; we came in at about \$13,000. So there are a lot of different ways, and it looks like that is going to be a successful strategy. I'd be happy to answer any questions. I know no one has ever seen an economy like this in Florida, with shrinking population, a 44% drop in home values – especially in a state that is structured so much like ours where local government and property values are really the drivers. And I'd be happy to answer any questions on this or any other topic.

Q: Has anything come up with the proposed 1 cent increase in sales tax?

A: I personally thought it was a fabulous idea. The one I liked even better was to buy back the local required effort with part of that. That may get some new life because required local effort is going to go up significantly as a result in the drop of house prices. It will probably be discussed some more but right now they're looking to offshore oil and gambling. Speaking of gambling, I will wager right now that they make it legal at the state level to drill either in the special session or in the regular session. But remember they have a number of federal hurdles to overcome before that would be possible. But the gambling issue, there is a signed agreement and there will be a special session, either in October or November. Committees are already being formed so they will get started meeting in early October and we'll get a sense of the budget issues. And that's just a reminder again that we forget that almost the day the Legislature ends, 30 days later, we do the next year's budget. Our 2010-11 budget is already out there – or at least our recommendations for it. The UFF gave us a really nice opportunity to emphasize what the Economic and Demographic Committee emphasized, and that is we ought to have 2 priorities for higher education: restoration of the \$1.3 billion cuts statewide and really money for growth in the new term. Right now, neither of those are in the state Board of Governors legislative request and we're hoping that the letter that the President sent to the Union and copied all the trustees, emphasizing pay attention to what the BOG is doing versus what the Economic and Demographic Committee is recommending. That's where we are right now. Obviously, our local delegation is in

favor of everything we're doing but they're not chairing any committees so that's going to be a tough one.

Q: So what's the snapshot right now versus the spring and when's the next snapshot?

A: The next snapshot for August will be end of September. There are 2 snapshots they take at the end of every month: they give us the revenue, collection versus projection of the previous month, and we now have 3 straight months of positives. But remember those are positives against 3 times lowering the estimate. Right before the session, the Economic and Demographic Committee will do a new one for the Legislature.

Q: So have we got a snapshot since the Legislature returned?

A: Yes, we had April, May, and June were all negative, then June, July, and August were all positive but only to about \$30 million and the hole is about \$4 billion. We've just got to smoke more cigarettes and go down to south Florida and play the slots. That's about where we are. So our budget situation is stable but it looks like it will be toward the end of the next fiscal year.

Q: Can you tell us why the University was not persuaded by the arguments made by the Faculty Senate Steering Committee to use across the board furloughs instead of lay offs.

A: I think if you do across the board furloughs, there are going to be virtually permanent. That is, you would have to have them for at least 3 years at \$82 million a year. To put into perspective that would be furloughing faculty up to about 14% of their salary. That's a big number.

Q: I have to question that. If the tenured faculty that weren't laid off is maybe \$2 million and that would a few days furlough.

A: I think as a faculty member you're only going to look at faculty. As a BOT member, they have to look at all employees and how that would affect them. The Budget Crisis Committee has the numbers on how many employees are very low paid, that is of the 4,300 that are on E & G, make \$2,000 or under, so the daily savings of a furlough there is nothing. The only way you can make \$82 million is to furlough the higher paid which would be the faculty.

Q: To make \$2 million from the faculty to retain the tenured faculty seems like a fairly small increment.

A: Well, the trustees felt that it was better to hold that in the event that the economy doesn't turn around.

Q: You are hiding behind the trustees, though. I mean, the trustees were given a proposal. This level of detail was not in the trustees'...

A: The trustees were engaged in all of the discussions, including furlough options, and they chose, given the size of the cuts and the number of people. The reason it was only \$2 million is because other people differentially took a larger cut. Depending upon where you're sitting, you can decide to draw the line, but when you consider that our biggest cost is health insurance and retirement, and that differentially helps the lower paid people, you've got to go after high salaries if you're going to do the cut.

Q: In addition to just some general financial issues, what does our legislative agenda look like for next year and are we going to go back in and ask the Legislature to reconsider its policy of residency?

A: The 3 issues that are a huge problem, other than financial, are residency, excessive hours, and Bright Futures, and we probably have already invested in programming time. Yes, those 3 are definitely 3 big substantial issues. What we're trying to do is get the BOG to agree that they ought to go in and as the state budget gets better, they ought to restore the cuts they did to education. As you know, we're trying to interpret the residency law as generously as possible and working with departments individually and students individually to move that along. It's been reasonably successful to date.

VII. Report of Standing Committees

There were no reports of Standing Committees.

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, J. Fiorito

Collective Bargaining

Summertime, and the living is easy, somewhere, but for FSU faculty and administration negotiators, summer is high season for bargaining. We held several bargaining sessions on modifying our Collective Bargaining Agreement (CBA) for 2009-10, with paid parental leave (extended through December), winter holidays, and promotion raises resolved on an interim basis via memos of understanding. More difficult issues have included new classifications for non-tenure track faculty, and administration proposals to cut summer teaching pay rates and reduce sick leave payouts for new faculty. Some progress was made on the new classifications.

We have also held negotiating sessions focused on bargaining over the impact of faculty layoffs, discussing such matters as alternative ways to implement budget cuts, extending insurance coverage, buyouts, and efforts to assist notified faculty in retaining positions at FSU.

Consultations

Some of the same issues have been addressed in our consultation sessions with administration designees, including Provost Abele, as well as additional faculty concerns such as problems with the FACET reporting system.

Facilitation and Grievance Issues

We've held a facilitation meeting with the administration regarding planned layoffs of our colleagues, which we believe violate our contract in several ways. We expect we will have to follow up with formal grievance and possibly legal filings, but we still hope to be pleasantly surprised by the administration's facilitation response. Many of our objections have been publicly aired, but as you may know, there are additional concerns involving the layoffs in several units. I did not intend to detail those here, but to say that some layoff plans seem to be arbitrary and capricious might be putting it politely.

Final Comment

Clearly, faculty layoffs are a critical concern to faculty and to the UFF. We understand that the budget cuts are real. Our UFF-FSU Chapter joined with students and others to organize the "Fate of the State" march and rally at the legislative session opening last spring to avoid this budgetary train wreck. That was the biggest pro-higher education rally in memory (mine at least). We were partially successful as the cuts could have been even worse. But once the legislature did its damage, we turned our attention to how the FSU administration implemented the cuts. That faculty layoffs are necessary, and if so, planned properly, is not clear. We have consistently called for transparency, clear criteria and standards, and a strong faculty voice. We will continue to do so, while pursuing contractual and legal remedies for faculty members where appropriate.

XI. Announcements by Deans and Other Administrative Officers

- a. Dean of Undergraduate Studies, Karen Laughlin announced that the Undergraduate Research and Creative Activity Symposium will be held at the College of Medicine on September 29 from 5:30-8:30pm.

XII. Announcements by Provost Abele

The Provost was in attendance but did not make any announcements.

XIII. Announcements by President Wetherell

President Wetherell was not in attendance.

XIV. Adjournment

The meeting adjourned at 4:52 p.m.



Melissa Crawford,
Faculty Senate Coordinator

Whereas the 2007 Senate Report on Non-Tenure-Track Faculty included as one of its Guiding Principles “The University should stay true to the FSU Constitution’s vision of a tenured faculty and seek to maximize the ratio of tenured and tenure-accruing faculty to NTT faculty, recognizing the different needs and traditions of different Colleges, notably professional colleges such as Medicine,”

and whereas that Report also included as one of its Recommendations “The University should limit the use of NTTF positions in academic units to important roles that cannot be carried out by tenure-track faculty who work in teaching, research, and service. Each academic dean should be required to propose a limit on the proportion of faculty in the unit who can be in NTTF positions and provide a written justification for using these positions rather than tenure-track positions,”

and recognizing that one consequence of current budget realities in the State of Florida and the University has been a growing ratio of number of students to number of tenured and tenure-track faculty,

therefore be it resolved by the Faculty Senate of Florida State University that the University move immediately to restore the ratio in each College of full-time-equivalent students to full-time-equivalent tenured and tenure-track faculty to no more than its value at the start of the Fall 2007 semester, and to lower it further as a high priority.