



FLORIDA STATE UNIVERSITY  
FACULTY SENATE

MINUTES  
FACULTY SENATE MEETING  
WEDNESDAY, SEPTEMBER 16, 2020  
FSU ZOOM  
3:35 P.M.

**I. Regular Session**

The regular session of the 2020-21 Faculty Senate was held on Wednesday, September 16, 2020. Faculty Senate President Eric Chicken presided.

The following members attended the Senate meeting:

T. Adams, S. Aggarwal, P. Aluffi, E. Alvarez, A. Askew, J. Atkins, J. Bahorski, E. Bangi, A. Barbu, H. Bass, B. Birmingham, D. Bish, M. Blaber, M. Bourassa, M. Buchler, G. Burnett, M. Carrasco, E. Cecil, E. Chicken, I. Chiorescu, P. Doan, J. Du, R. Duarte, D. Eccles, V. Fleury, R. Goodman, T. Graban, S. Grant, A. Gunjan, W. Hanley, K. Harris, E. Hilinski, P. Hoeflich, C. Hofacker, P. Hollis, A. Huber, M. Hurdal, P. Iatarola, J. Ingram, E. Jakubowski, K. Jones, C. Kelley, H. Kern, D. Kim, E. Kim, E. Klassen, S. Lester, V. Lewis, I. MacDonald, T. Mariano, P. Marty, C. Marzen, C. McClive, C. Moore, R. Morris, A. Muntendam, I. Padavic, E. Peters, D. Peterson, J. Proffitt, A. Rhine, N. Rogers, E. Ryan, G. Salazar, J. Sobanjo, S. Stagg, J. Standley, R. Stilling, P. Sura, M. Swanbrow Becker, G. Tyson, T. Van Lith, A. Vanli, M. Ye, and Q. Yin.

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

A. Ai, I. Alabugin, P. Andrei, J. Ang, J. Appelbaum, P. Beerli, R. Brower, J. Brown Speights, T. Chiricos, M. Duncan, F. Dupuigrenet, S. Foo, H. Gazelle, E. Hinchman (**Michael Bukowski**), T. Lee, C. Madsen, M. McFarland, J. Munn, C. Patrick, K. Reynolds, L. Rinaman, A. Semykina (**Carl Schmertmann**), R. Singleton, L. Stepina, B. Stults, and I. Zanini-Cordi.

**II. Approval of the Minutes, August 12, 2020 meeting**

The minutes were approved as distributed.

**III. Approval of the agenda, September 16, 2020 meeting**

The agenda was amended to have the announcements by Provost McRorie follow announcements by President Thrasher. Following the announcements, a special order by President Chicken was added. The agenda was approved as amended.

**IV. Announcements by President Thrasher**

Due to a scheduling conflict, no announcements were given.

**V. Announcements by Provost McRorie**

- Spoke about the dean search for the College of Music, which should conclude in the next six weeks.
- The spring schedule is estimated to be held in a similar manner to this fall. The hope is to have a slightly higher number of in-person classes held in the spring, but given the recent developments in coronavirus cases this remains subject to change.
- FSU ranked in the top 20 according to *U.S. News and World Reports*. Many individual programs saw an increase in national ranking, such as the FAMU-FSU College of Engineering and the College of Business.
- A question was posed about FSU football, which the provost replied to saying that athletic decisions are made by the president. However, she did acknowledge that the behavior of some students during the first home football game was disappointing.
- **Virginia Lewis, Arts & Sciences** – Inquired about safety protocols over Zoom. The provost referred the senator to guidelines developed by the university and acknowledged that these guidelines could be made more apparent via an email to the faculty.
- **Jessica Ingram, Fine Arts** – Asked about what an instructor should do if a student approaches them and reports of having COVID-19. The provost suggested going to the SAFER portal and reporting which student reported this. The provost also confirms that the SAFER team is trained in matters of privacy.

#### VI. Special Order: Remarks by Faculty Senate President

- Thanked the Faculty Senate for participating in the three special sessions which occurred over the summer.
- The Faculty Senate will continue to meet remotely for the foreseeable future.
- The Faculty Senate President gave a summary of work done so far on revisions to the FSU Constitution, which have been ongoing for the past couple of years. After a series of technical changes were approved by both the Faculty Senate and the general faculty, discussion moved to the topic of specialized faculty. In February 2017 a motion involving the specialized faculty was tabled, prompting the formation of a Constitution Review Committee which brought initial recommendations to the senate in fall 2017. Discussion and amendments continued until February 2020 when discussion was postponed due to uncertainties in the spring semester brought forth by the pandemic.
- The Faculty Senate will continue to update Senate bylaws and to monitor and create policies for running FSU during the pandemic.
- The Faculty Senate President reminded the senators that they are always welcome to email him prior to meetings with materials that facilitate discussion to be distributed amongst the senators.

#### VII. Report of the Steering Committee, Professor Erin Ryan

- The committee met five times since the last special session meeting.
- The FSU Board of Trustees (BOT) did approve the renaming of the Law School Building.
- The Faculty Senate conveyed to the BOT the concerns raised by the faculty of the increase in risk of exposure created by teaching on campus, given the increasing number of positive tests among the student body.

#### VIII. Reports of Standing Committees

##### a. University Curriculum Committee, Liz Jakubowski (See addendum 1)

- Following the spring discussion regarding the Americans with Disabilities Act, an ad hoc committee was created.

- Thanked the ad hoc committee members, Todd Adams, Hank Bass, Veronica Fleury, Tarez Graban, J.R. Harding, Nancy Rogers, Jane Standley, and Gary Tyson, for their service to the committee.
- At each ad hoc committee meeting representatives from the Office of Accessibility Services and the General Council were present to ensure adherence to the policies of the ADA statement.
- Based on the discussions had during these meetings, the ad hoc committee has created a new syllabus statement that they determined was a good foundation for implementing the ADA, as well as a preamble that seeks to resolve some of the concerns about inclusivity.
- **A motion to approve the new language was proposed and seconded. The motion was approved.**

## IX. Old Business

### a. FSU Constitution (See addendum 2)

- Discussion continued directly from the amendment proposal from Senator Petra Doan last discussed in the February 19, 2020 meeting of the Faculty Senate.
- **Bridgett Birmingham, University Libraries** – Proposed an amendment to the amendment based on the previous February discussion. (See blue highlighting in addendum 2).
- **Petra Doan, Social Sciences & Public Policy** – Elaborated on the proposed amendment to the amendment. The amendment will further specify the language within *Article III, Section A. Membership* to distinguish between tenure and non-tenure track positions. The amendment also adds to *Article III, Section C. Standing and Special Committees*, stating that the limitation of a specialized faculty member to serve as a Chair or Vice Chair of the Steering Committee can be waived by a supermajority vote by the Faculty Senate.
- **The motion to amend the amendment was proposed and seconded.**
- **Todd Adams, Arts & Sciences** – Sought clarity for what constitutes a “supermajority”. Bridgett Birmingham and Petra Doan responded that a supermajority would be from those present and voting.
- **The amendment to the present proposed amendment to the FSU Constitution was approved.**
- Discussion returned to the proposed amendment, now with the amended language approved.
- **Gary Tyson, Arts & Sciences** – Elaborates about the origins of the amendment, which began in 2013 during procedures to update the technical language of the Constitution. By 2015 it was understood that the inclusion of the language pertaining to specialized faculty was a subject that required more discussion in the Faculty Senate after the proposed change was almost unanimously rejected by the Senate.
- **President Chicken** – Clarified with Gary Tyson that the original rejection of the Specialized Faculty language was by the Faculty Senate, not the General Faculty.
- **Gary Tyson, Arts & Sciences** – Continued summarizing the history of the specialized faculty discussion, including the formation of a subcommittee to research potential changes and alternatives to the current system. In 2018 the technical language amendments

were approved while the proposed membership changes were rejected. The current proposed amendment is the culmination of revisions to that original 2018 proposal. The committee agrees that all members of the faculty should have representation in the Faculty Senate; the conflict in discussion stems from what proportion is proper. This led to wider discussion about the purpose of the Faculty Senate and whether it is merely for settling curriculum issues or a representation of the “heart of the academy.”

- **President Chicken** – Provided additional data on the specialized faculty demographics.
- **Tarez Graban, Arts & Sciences** – Commented about the potential role of a specialized faculty member as a senate president. President Chick noted that a specialized faculty member has served as senate president in the past.
- **Bridgett Birmingham, University Libraries** – Expressed the opinion, as the only current member of the specialized faculty in the Faculty Senate, that there should be no language limiting a specialized faculty member from serving as senate president.
- **Petra Doan, Social Sciences & Public Policy** – Responded to Senator Graban’s comment, addressing the concern that the proposal “dilutes the value of tenure.” If a supermajority of the Faculty Senate is expressing approval of a specialized faculty member for the role of senate president, that approval should be allowed regardless of the presence of tenure.
- **Jayne Standley, Music** – Agreed with Senator Doan’s comments but noted that the faculty senate president is a trustee, sits on the Board of Trustees, and participates in recorded votes in the BOT. It is a potential benefit for the faculty senate president to be a tenured individual since this allows them to participate in BOT votes without concern of sanctions from the university.
- **Gary Tyson, Arts & Sciences** – Responded first to Senator Standley’s concern by referencing the Florida Polytechnic Institute, where nontenured faculty presidents who have spoken up against the administration have found their positions nonrenewed as a response. Though this is a failing of the administration, which is unlikely to occur at FSU, it suggests that the potential concern is not unwarranted. Secondly, the subcommittee conducted research about other universities’ library programs which concluded that overall, the structures of university libraries are quite diverse, often including tenure-track faculty. The subcommittee questioned what reason the administration has for not establishing tenure in positions like the libraries. This senator is displeased with the current amendment because it does not address these questions and would like for the Faculty Senate to be the ones to address these concerns rather than have an amendment created and submitted to the Faculty Senate for nothing more than approval/rejection.
- **Erin Ryan, Law** – Remarked on both the importance of tenure and inclusivity for those who do not have tenure. The proposal is a compromise of those two principles.
- **Erdem Bangi, Arts & Sciences** – Sought clarification about a survey given to the specialized faculty. Gary Tyson responded that a limited selection of specialized faculty was surveyed regarding their opinion of their representation in the Faculty Senate.
- **Nancy Rogers, Music** – Commented from the viewpoint of the Chair of the UFF-FSU Grievance Committee. This senator expressed concern for the eroding of tenure but recognized that the current amendment is a step in the right direction. The senator also acknowledged that the fear of nonrenewal is a very real concern for specialized faculty,

especially in the current climate of uncertainty. This senator stated that multiple specialized faculty have felt pressured by administration into teaching in-person despite concerns about safety. The possibility that a specialized faculty member serving as senate president could face reprisal for their work that a tenure-track faculty member would otherwise be shielded from warrants either removing the possibility for a specialized faculty member to serve as senate president or additional changes to protect them.

- **Todd Adams, Arts & Sciences** – Commented that town halls were held regarding the proposed changes to the FSU Constitution. Strong opinions of some specialized faculty members were heard, but these town halls were informal.
- **Bridget Birmingham, University Libraries** – Commented that there are some specialized faculty who strongly believe they should have the opportunity to serve on the FSU Senate.
- **Joe Calhoun, Guest** – Echoed some sentiments from previous commenters. Some specialized faculty members feel disenfranchised and do not have proper representation. Those specialized faculty who are in the position to be voted on as Senate President will be able to do a good job in the role. This guest reminded the Senate that FSU is an outlier compared to other national public universities regarding specialized faculty representation and could be violating the AAU by not granting specialized faculty proper representation. Forty percent of faculty are specialized faculty at FSU.
- **Petra Doan, Social Sciences & Public Policy** – Called the question to close debate and vote immediately. It was seconded.
- **The call the question was passed.** Voting began to close debate and move to voting of the proposal.
- There was some brief discussion to clarify that the subsequent vote will be for approving the amendment to the constitution.
- **Tarez Graban, Arts & Sciences** – Expressed support that specialized faculty are important and should be represented in the Senate and expressed desire for the inclusion of language in the Constitution to directly engage with holding the colleges accountable to expectations for having tenure-track faculty.
- **The amendment to the FSU Constitution was approved. Once the minutes are approved at the October meeting, this constitution will be sent to the general faculty for approval.**

## X. New Business

### a. Approval of Committee Memberships

- **A motion to approve committee appointments was made and seconded. The motion passed.**

### b. ADA Accommodations, Liz Jakubowski (See addendum 3)

- An ad hoc committee was created to address concerns related to changing ADA accommodations.
- The ad-hoc committee focused on how there can be a faculty voice in matters of ADA accommodations. The committee aims to propose a process that represents the faculty's desire to make sure that granted accommodations are "reasonable." The policy would

establish a group within the Office of Accessibility Services (OAS) to determine if proposed accommodation requests would “fundamentally alter” a course.

- **A motion to approve the policy was made and seconded.**
- It was noted that the ad hoc committee, steering committee, and general council representatives had input on the proposal revisions.
- **Amy Huber, Fine Arts** – Asked how “fundamental alterations” in a course are identified. Liz Jakubowski responded that the determination would be made by the appointed group within OAS based on the definitions included in the proposed policy.
- **Samuel Grant, Engineering** – Inquired whether there is a set timeline for how long students would have to initiate the process. Liz Jakubowski responded that the proposed policy is only to be initiated by the instructor when already engaging with a student on matters of accommodation. Further, there is no set deadline for a student to request accommodations, although it is recommended to do so in the first week of a semester.
- **Trinyan Mariano, Arts & Sciences** – Raised concern on how the “group of objective persons” must be knowledgeable about the student’s disability and questioned how the student’s disability will be handled properly. Liz Jakubowski responded that the information on the student’s disability received by those involved is the same information originally given to the instructor.
- **Nancy Rogers, Music** – Recalled that the discussion about the paragraph in question was that the intent would be that if, for example, a student had dyslexia, OAS would seek out someone who is knowledgeable about dyslexia and receive their input.
- **The motion to adopt the ADA accommodations policy was passed.**

c. **Contact Tracing, Emily Pritchard**

- Emily Pritchard reached out to administration in April to show that FSU had the capability to do more to aid TMH and the FSU rapid response lab. Pritchard worked with the Florida Department of Health (FL DOH) to advocate contact tracing for students and faculty. Pritchard created Secure Assessment for FSU Exposure Response (SAFER) to focus exclusively on contact tracing at FSU. SAFER works with ITS to contact and interview individuals who have been in CDC-defined risk levels of contact with someone who has tested positive for the coronavirus. The SAFER team has grown since its establishment and has made significant strides to get at-risk individuals out of the general population to lower the risk of asymptomatic spread.
- 519 students have been quarantined so far. Of the previous week’s cases the SAFER team made contact with, 97% of those were contacted before the FL DOH contacted them.
- Given the behavior of some student populations, SAFER sees itself as partly a health education platform.
- SAFER’s Daily Wellness platform has added a new button to allow faculty to directly contact the SAFER team and securely report the names of students who have tested positive.
- **Erdem Bangi, Arts & Sciences** – Asked if students copy professors on their positive results of a covid test, should the professor separately share the results? Pritchard responded that professors should forward those emails to the general covid response email. As a follow up question, the senator asked whether the policy changes if the student is physically remote from campus. Pritchard responded that tests performed at FSU

facilities have results sent directly to the SAFER team, but students residing outside of the state are outside of their jurisdiction.

- **Andrew Askew, Arts & Sciences** – Asked what the proper procedure is for a physically remote student telling a professor that they have tested positive. Pritchard replied that the professor should determine whether the student is within Tallahassee and able to engage directly with FSU's assistance. Even if they are not, there are still resources available to them, such as the Counselling Center and telemedicine visits.
- **Amy Huber, Fine Arts** – Expressed desire for a video of the steps to use the newly added "Contact SAFER" button to be distributed to the faculty. Pritchard responded that an FAQ guide was created which contains the graphical instructions used by Pritchard earlier.
- **Michael Buchler, Music** – Asked a question in chat about a faculty member being contacted by a student who has tested positive and whether the faculty member could inform the class of this without violating FERPA. Pritchard recommends going through SAFER to maintain confidentiality, though acknowledged that there is a large influx of cases presently.
- **Monica Hurdal, Arts & Sciences** – Inquired about requirement to inform students that professors are reporting them on the SAFER app. Unsure of the answer at the present moment, Pritchard stated that the answer will be added to the FAQ once verified.
- **Akash Gunjan, Medicine** – Asked if there are additional steps required for a positive test among individuals in research labs. Pritchard responded that there are no additional steps, but if the epidemiology team identifies something in the research lab that warrants additional steps beyond nightly cleanings, they will take action. Supervisors are always informed of employees who test positive.
- **Trinyan Mariano, Arts & Sciences** – Inquired about the football game and if there was an uptick of cases following the previous weekend. Pritchard noted that while there is not yet an uptick, results data is not yet at the point in time where such an uptick would be apparent.
- **Irinel Chiorescu, Arts & Sciences** – Asked if there is a graph of positive cases over time across the fall 2020 semester available. Pritchard responded that although such a graph would be of benefit, the systems of data reporting across Florida are not only decentralized but have changed rapidly across the past months. As such, unifying that data to be able to create a graph of cases over time has not yet occurred, though it will sometime in the future.
- **President Chicken** – Asked about the wellness application and whether there were metrics available for how many people use it. Pritchard was unsure of the exact participation rate.
- **President Chicken** – Posed a question about athletic events, and whether there is criteria in place to decide whether to continue public attendance. Pritchard replied that general community spread during athletic events are a concern at the office that may warrant policy changes.
- **Sudhir Aggarwal, Arts & Sciences** – Asked a question about the Department of Student Support and Transitions (DSST) and whether they are a point of contact for faculty members in addition to SAFER. Pritchard stated that the suggestion being circulated for faculty members to contact DSST is incorrect.

**d. Call for Torch Awards nominations, Jayne Standley**

- Announced that nominations for the Torch Awards has opened. Faculty members will receive an email about how to submit a nomination. Jayne Standley gave a brief overview of the Torch Awards, some clarifications about eligibility for the award, and the deadline of October 14, 2020.

**XI. University Welfare**

**a. United Faculty of Florida, Florida State University Chapter, Matthew Lata**

- Acknowledged the upcoming national election and that nearly a third of union members are not registered to vote. Matthew Lata encouraged participation and double-checking to make sure that everyone is ready to vote.
- **Irene Padavic** – An agreement was reached on salaries, settling on a one-time bonus along with the raise that went into effect in August. Promotion raises and sustained performance increases remain at their current rates. An agreement was reached to expand the existing dependent scholarship program to spouses and to include graduate level courses. Layoffs were changed to specify what sort of layoff units are acceptable, whereas the previous language was broadly applicable. Additional articles were closed without changes, and a memorandum of understanding was reached in regard to the COVID-19 situation. The changes will be voted on for ratification.
- Spoke on behalf of the UFF bargaining team and thanked the FSU faculty for the honor of acting on their behalf.

**XII. Announcements by Deans and other Administrative Officers**

No announcements were given.

The meeting adjourned at 5:55 p.m.

**Eric  
Chicken**  
Eric Chicken  
Faculty Senate President

Digitally signed by  
Eric Chicken  
Date: 2020.10.13  
09:39:49 -04'00'



Florida State University (FSU) values diversity and inclusion; we are committed to a climate of mutual respect and full participation. Our goal is to create learning environments that are usable, equitable, inclusive, and welcoming. FSU is committed to providing reasonable accommodations for all persons with disabilities in a manner that is consistent with academic standards of the course while empowering the student to meet integral requirements of the course.

To receive academic accommodations, a student:

- (1) must register with and provide documentation to the Office of Accessibility Services (OAS);
- (2) must provide a letter from OAS to the instructor indicating the need for accommodation and what type; and,
- (3) should communicate with the instructor, as needed, to discuss recommended accommodations. A request for a meeting may be initiated by the student or the instructor.

Please note that instructors are not allowed to provide classroom accommodations to a student until appropriate verification from the Office of Accessibility Services has been provided.

This syllabus and other class materials are available in alternative format upon request.

For more information about services available to FSU students with disabilities, contact the

Office of Accessibility Services  
874 Traditions Way  
108 Student Services Building  
Florida State University  
Tallahassee, FL 32306-4167  
(850) 644-9566 (voice)  
(850) 644-8504 (TDD)  
[oas@fsu.edu](mailto:oas@fsu.edu)  
<https://dsst.fsu.edu/oas>

# THE CONSTITUTION OF THE FLORIDA STATE UNIVERSITY

(Revised and amended to December 6, 1989; Amended as of October 16, 2019)

The legal authority of The Florida State University is vested in the Florida State University Board of Trustees, the State University Board of Governors, and the State Board of Education. Except as preempted by higher authority, such as collective bargaining or statutes, the following provisions govern the University.

## Article I Administrative Officers

### Section A. The President

The President, who is confirmed by the Board of Governors, is the chief executive officer of the University and shall exercise general supervision over all its activities.

### Section B. Other Administrative Officers

There shall be such other administrative officers as the President may designate. They shall have such duties as the President may assign to them. In the case of absence, incapacitating illness, or death of the President, the Provost and Executive Vice President for Academic Affairs shall assume all the authority and responsibility of the President until formal provisions are made by the Board of Trustees and, if required, the Board of Governors. In the absence of both the President and the Provost and Executive Vice President for Academic Affairs, the Vice President for Faculty Development and Advancement shall have all the authority and responsibility until formal provisions are made by the Board of Trustees and, if required, the Board of Governors.

## Article II Councils and Committees

The President shall establish such councils and committees as deemed necessary and shall specify their duties and responsibilities.

## Article III The General and Specialized Faculty

### Section A. Membership

The General Faculty shall consist of those persons that are appointed by the University in tenured or tenure-earning positions with the academic rank of Assistant Professor, Associate Professor, or Professor in one of the colleges, schools, or other academic units of the University, and of those members of the Professional Staff to whom the President assigns an academic rank.

The Specialized Faculty shall consist of those persons who are appointed full-time (an appointment of 0.75 or greater Full Time Equivalent) by the University within the track of Teaching, Instructional Support, Research, Research Support, Library or Information Specialties, non-tenure track Assistant Professor, non-tenure track Associate Professor, non-tenure track Professor, or Curator Specialties in the University.

### Section B. Jurisdiction

The General and Specialized Faculty shall

1. receive reports and announcements from officers of the University and from the Faculty Senate, and
2. formulate its opinion regarding any subject of interest to the University and make recommendations thereon to the appropriate body or officer for final consideration.

### Section C. Meetings

The General and Specialized Faculty shall meet

1. in regular session in the fall of each academic year to receive the annual report of the President, and
2. in special session called either by the President or on resolution of the Faculty Senate, or on written request from at least ten percent of the members of the General Faculty.

## Article IV Faculty Senate

### Section A. Faculty Senate Membership

1. Elected faculty members

- a. For the General Faculty:

There shall be 100 General Faculty Senators. Only full-time Assistant Professors, Associate Professors, and Professors appointed by the University shall be eligible for representation in and election to the Faculty Senate. Eligible faculty members who have duties in more than one college or school shall be counted in that college or school in which the major portion of their salary is budgeted or time is assigned.

Each college or school with at least one General Faculty member shall be entitled to representation in the Faculty Senate according to the following formula:

$$\frac{\text{number of representatives}}{100} = \frac{\text{number of eligible General Faculty members in college or school}}{\text{total number of eligible General Faculty members in the university}}$$

Each college or school with at least one General Faculty member shall be entitled to at least one representative. Nomination and election procedures shall be the exclusive purview of the college or school.

- i. Prior to February 1 of each year, the Vice President for Faculty Development and Advancement shall submit to the Faculty Senate Coordinator a list of eligible General Faculty members in each college or school. The Faculty Senate Coordinator shall on February 15 of each year determine the total number of representatives apportioned to each college or school and the number to be elected that year and shall notify the appropriate dean.
  - ii. Each unit shall elect its representatives for two-year terms, in accordance with a procedure that its eligible faculty members shall determine. Terms shall begin with the regular April meeting of the Senate of the election year.
  - iii. Each unit may elect, according to a procedure which its eligible faculty members shall determine, an alternate representative or representatives to serve whenever illness, professional travel, or other obligations make it impossible for the designated Senator or Senators to be present. A faculty member thus representing a unit shall have the full privileges of Senate membership.
- b. For the Specialized Faculty:

There shall be ten Specialized Faculty Senators. At least one Specialized Faculty Senator will be Research Faculty and at least one Specialized Faculty Senator will be Teaching Faculty. There will be at least one Specialized Faculty Senator from University Libraries and at least

one Specialized Faculty Senator from each of the four largest (in terms of Specialized Faculty) units, and at least five units must be represented by Specialized Faculty Senators.

- i. Prior to February 1 of each year, the Vice President for Faculty Development and Advancement shall submit to the Faculty Senate Coordinator a list of eligible Specialized Faculty. The Faculty Senate Coordinator shall on February 15 of each year determine the number to be elected that year and shall notify the Senate Steering Committee.
  - ii. The Specialized Faculty shall elect its representatives for two-year terms, in accordance with the procedure specified in the Senate bylaws. Terms shall begin with the regular April meeting of the Senate of the election year.
  - iii. Alternate representatives who may serve whenever illness, professional travel, or other obligations make it impossible for the designated Senator or Senators to be present are selected as specified in the Senate bylaws. A faculty member thus representing a unit shall have the full privileges of Senate membership.
2. The Faculty Senate shall elect its presiding officer from its membership to serve for a one-year term. The presiding officer shall be designated President of the Senate and shall serve as the chair of the Steering Committee. In case the person elected President of the Senate is already a member of the Steering Committee, the Senate shall elect a Senator to fill his or her unexpired term on that committee.
3. The following shall be ex-officio members of the Senate; The President of the University, the Vice Presidents, the Vice President for Faculty Development and Advancement, the Dean of Graduate Studies, the Dean of Undergraduate Studies, the dean of each college or school, the University Registrar, the Director of Libraries, and the President of the Student Body. Ex-officio members shall have the privilege of the floor but may not vote.

## **Section B. Jurisdiction**

The Faculty Senate shall be the basic legislative body of the University and shall establish its own Bylaws and procedures.

1. It shall formulate measures for the maintenance of a comprehensive educational policy and for the maximum utilization of the intellectual resources of the University.
2. It shall determine and define University-wide policies on academic matters, including Liberal Studies policy, admission, grading standards, and the requirements within which the several degrees may be granted.
3. As the elected body of the General and Specialized Faculty, the Senate may also formulate its opinion upon any subject of interest to the University and adopt resolutions thereon. Resolutions treating those areas of authority legally reserved to the President of the University and the Board of Trustees will be advisory.
4. The President of the University shall have the power to veto any action of the Senate. The veto, with reasons therefore, shall be communicated in writing to the Faculty Senate Coordinator and Chair of the Steering Committee within sixty days. By a two-thirds vote the Senate may appeal to the Board of Trustees any action so vetoed.
5. Upon the resignation, retirement, or death of the President and upon a request by the Board of Trustees, the Faculty Senate will designate individuals to be available for membership on any committee requested by the Board of Trustees for the purpose of consultation in the selection of a nominee for President.

## **Section C. Standing and Special Committees**

1. There shall be a Steering Committee consisting of seven persons from the voting membership of the Faculty Senate who shall be elected for staggered two-year terms. No more than two representatives of the Specialized Faculty shall serve on the Steering Committee at any given time. Representatives of the Specialized Faculty are not eligible to serve as the Chair or the Vice Chair of the Steering Committee, but this limitation may be waived by a supermajority vote. The Steering Committee shall determine the agenda for each meeting. It shall provide for the reporting to the Faculty Senate by administrative officers, by chairs of standing and special committees, and by individuals.
2. The Faculty Senate may establish standing and special committees necessary for its work.
3. Any report issued in the name of the Faculty Senate must be approved by a vote of the Faculty Senate. If disclosed under legal mandate, the disclosure must specify that the information has not been approved or rejected by the Faculty Senate and thus should not be considered a product, policy or position of the Faculty Senate.
4. After dissolution of a constitutional review committee, not more than ten years shall pass until the Faculty Senate Steering Committee shall convene a committee to review the constitution.

#### **Section D. Meetings**

1. The Faculty Senate shall meet in regular session each month during the academic year and may meet in special session during the summer.
2. Special meetings may be held at any time in accordance with rules specified in the Bylaws.
3. All regular meetings of the Senate shall be open to members of the General Faculty and other interested parties.
4. The right to address the Faculty Senate shall be granted to any member of the General Faculty in accordance with rules specified in the Bylaws.

#### **Section E. Procedure**

The Faculty Senate shall develop its own rules of procedure. Minutes shall be kept by the Secretary of the Senate and shall be distributed to all members of the General Faculty, to all administrative officers, and shall be posted on the Faculty Senate website.

### **Article V The Colleges and Schools**

Subject to the University-wide regulations of the Faculty Senate and the authority of the President of the University, the faculty of each college or school shall determine its internal policies such as specific admission requirements, requirements for majors, requirements for graduation, and the nature, content, and scheduling of its courses.

The faculty of each college or school shall keep on file with the Faculty Senate Coordinator a current set of bylaws governing its internal operations, including procedures for the election of its representatives to the Faculty Senate and for the approval of its candidates for degrees.

### **Article VI The Faculty Members of Colleges or Schools**

#### **Section A. Appointment: General Faculty**

1. Vice Presidents, the Vice President for Faculty Development and Advancement, the deans of the colleges and schools, and other such administrative personnel shall be appointed by the President of the University. An advisory committee appointed by the President shall consult with the President in the process of selection of nominees for such positions.

2. Associate and assistant deans of colleges and schools shall be recommended by the appropriate dean to the Provost and Executive Vice President for Academic Affairs. The President of the University or a designee shall make these appointments.
3. **Professors, Associate Professors, and Assistant Professors** in the colleges and schools shall be nominated by the department chair, or equivalent, approved and recommended by the dean and the Provost and Executive Vice President for Academic Affairs, and appointed by the President of the University.
4. Each original appointment shall be confirmed by the President of the University, or his or her designee, in a contract letter.
5. Supplementary appointments to the Graduate Faculty may be given members of the General Faculty on nomination of the department chair, or equivalent, and approval of the appropriate dean and the Dean of The Graduate School with the advice and consent of the Graduate Policy Committee.
6. Appointments to the faculty for limited periods of time, clearly stated in writing at the time of appointment, shall be designated as specified in the State University System Classification System. These appointments shall not count toward eligibility for tenure unless otherwise stipulated.

### **Section B. Tenure, Nonreappointment, Termination, and Suspension**

1. The Tenure Process: The procedure to be followed when a faculty member becomes eligible for consideration for the status of permanent member shall be as follows:
  - a. Nomination for tenure shall be initiated by an elected faculty committee of the appropriate department or academic unit; a majority of the members shall be tenured faculty. The department chair, or equivalent, shall inform the candidate in writing of the committee decision to recommend or not to recommend, together with the chair's recommendation.
  - b. The department chair or equivalent shall transmit the committee recommendation together with the chair's recommendation to the appropriate committee of the college or school and to the dean. In addition, the department chair, or equivalent, shall convene a meeting of all tenured faculty in the department and conduct a secret ballot regarding the nomination for tenure; the department chair, or equivalent, shall transmit the opinion of the tenured members of the department or unit to the appropriate committee of the college or school and to the dean.
  - c. A college or school committee of elected tenured faculty shall consider the candidate for recommendation to a University committee of elected tenured faculty and vote to recommend or not to recommend the candidate; the candidate shall be informed in writing of the committee's decision by the chair of the committee.
  - d. A University committee on tenure, consisting of elected tenured faculty and with at least one representative from each college or school, shall receive the recommendation from the college or school committee and shall consider it for the recommendation to the Provost and Executive Vice President for Academic Affairs and the President of the University; the Vice President for Faculty Development and Advancement shall serve, without voting privileges, as ex-officio chair of the University committee and shall transmit to the Provost and Executive Vice President for Academic Affairs and to the President the committee's decision to recommend or not to recommend the candidate for tenure; the Vice President for Faculty Development and Advancement shall also inform the candidate in writing of the recommendation.
  - e. The Provost and Executive Vice President for Academic Affairs and the President of the University shall decide to recommend or not to recommend the candidate to the Board of Trustees for tenure, and the President shall notify the faculty member immediately in writing of the final decision to recommend or not to recommend.
  - f. In step "d" above, the dean of the appropriate college or school in each case shall present to the University committee the dean's decision to recommend or not to recommend the candidate; in step "d," the dean of the appropriate college or school shall also report this decision to the Provost and



earning appointment. When the administrative or service function is ended, the person shall receive, upon request, a tenure-earning appointment in an academic unit.

- b. Not later than the end of the sixth year of service (or the tenth in the case of the above exceptions), the Departmental Chair, or equivalent, in consultation with the dean of the college or school, shall either nominate the faculty member for tenure or arrange to terminate service at the end of the seventh year (or the eleventh, in the case of the above exceptions). In every case, the faculty member shall be notified in writing of this recommendation by the dean.
- c. Only time spent in the rank of Assistant Professor and above shall be construed as tenure-earning time.
- d. Assistant Professors shall be considered ineligible for tenure or for reappointment beyond a seven-year maximum.

#### 7. Early Tenure

- a. The Board of Trustees may approve tenure at an earlier time if it is recommended with sufficient justification by the President of the University.
- b. An Assistant Professor must satisfy the five-year requirement to be eligible for consideration by a tenure committee at any level.

#### 8. Termination, Nonreappointment, and Suspension.

- a. Termination and Nonreappointment of Tenured Faculty Members for Cause. Annual recommendation for reappointment of permanent members of the faculty shall be withheld only for serious cause (incompetence or misconduct) and on the basis of written and specific charges made by the dean of the college or school, the Provost and Executive Vice President for Academic Affairs, or by the President of the University. A copy of such charges shall be furnished to the faculty member concerned. In answer to such charges the faculty member shall have, upon request, a hearing before an appropriate faculty committee. At this hearing, the faculty member shall be allowed at his or her own expense the benefit of counsel of the faculty member's choice.
- b. Nonreappointment of Nontenured Faculty. Upon the advice of a department chair, a departmental/college/school advisory committee, the dean of the respective college or school, and the Provost and Executive Vice President for Academic Affairs, the President of the University may give written notice of nonreappointment of a nontenured faculty member. Notice of nonreappointment, or of intention not to reappoint, shall be given in writing in accordance with the following standards: (a) for employees in their first two years of continuous University employment, one full semester prior to the date of termination; (b) for employees with two or more years of continuous service, one full year prior to date of termination.
- c. Immediate Suspension of Tenured or Nontenured Faculty. In flagrant offenses the President of the University may suspend a member of the faculty with pay from performance of his or her duties. Within two days, excluding weekends and official holidays, following such suspension, the President or designee shall cause a written notice, including a statement of reasons, to be served upon the employee.
- d. If immediate dismissal is thereby sought, a copy of written and specific charges shall be furnished to the faculty member concerned. In answer to such charges, the faculty member shall have, upon request, a hearing before an appropriate faculty committee. At this hearing the faculty member shall be allowed at the faculty member's own expense the benefit of counsel of the faculty member's choice. After provision of notice and an opportunity for the accused faculty member to have a hearing before an appropriate faculty committee, the President may initiate immediate dismissal.
- e. If immediate dismissal is not sought, the faculty member shall have, upon request, a hearing on the suspension before an appropriate faculty committee.
- f. The hearing committee, after deliberation, shall report its findings to the President. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, the President may either accept or reject that finding. If the President rejects the report,



he or she will state his or her reasons for doing so in writing to the hearing committee and to the faculty member. The faculty member will be provided an opportunity to respond before further action is taken. If the hearing committee concludes that adequate cause for a dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If dismissal or other severe sanction is recommended, the President may take such action as appropriate.

### **Section C. Academic Freedom**

It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication, and to protect any member of the academic staff against influences, from within or without the University, which would restrict the exercise of this freedom in their areas of scholarly interest. The right to the protection of the University shall not, necessarily, include any right to the service of the University's legal counsel in any proceedings in which the academic freedom of the faculty member may be an issue.

The faculty member has the same freedoms and responsibilities as other citizens, including political rights and privileges, without institutional censorship or discipline. However, as a scholar, a faculty member should be mindful that accuracy, forthrightness, and dignity befit his or her association with the University.

Furthermore, the faculty member must consider their academic duties as their primary responsibility. In no case should faculty members accept or seek appointment to civic or political office which would reduce significantly the time available for this primary responsibility without first securing written approval of the President of the University.

Faculty members who believe they do not enjoy the academic freedom which it is the policy of the University to maintain and encourage shall be entitled on his or her written request to a hearing before the Committee on Grievances.

#### **Section D. Resignation**

**When a member** of the faculty of the University desires to obtain release from their faculty position, that faculty member is expected to offer their resignation to the President of the University, or a designee, through appropriate administrative channels at least ninety days before the resignation takes effect.

#### **Article VII The Professional Staff**

Those persons holding academic appointments within The Florida State University, but not within a college or school, and those persons within a college or school holding academic appointments whose responsibilities do not include teaching, shall be considered members of the Professional Staff. Members of the Professional Staff having appropriate qualifications and responsibilities shall be assigned faculty rank by the President of the University on recommendation of their administrative officers for the purpose of membership in the General Faculty.

Members of the Professional Staff shall enjoy the assurance of annual recommendation for reappointment in accordance with the provisions of the Florida Statutes and the regulations of the Board of Trustees.

#### **Article VIII Amendments**

Amendments to this Constitution shall become effective when (1) approved by a two-thirds vote of the Faculty Senate, and (2) ratified by a majority vote of the **members of the Faculty who** are eligible for election to the Faculty Senate and who vote on the proposal.

An amendment to be considered by the Faculty Senate must be submitted at a regular meeting at least one month prior to a vote on the proposal. The faculty vote on ratification shall be taken during the regular academic year not earlier than thirty days after circulation of the Senate minutes in which the amendment approved by the Senate is recorded.

NOTE: The Constitution was first adopted by the Faculty as the Faculty of the Florida State College for Women on April 11, 1931, and ratified by the Faculty of The Florida State University on May 19, 1948, amended to December 6, 1989. Amended October 16, 2019.

## **Title: Faculty Accommodation Concerns/Fundamental Alteration**

### **DESCRIPTION/RATIONALE:**

The Office of Accessibility Services (OAS) serves as a resource for students, faculty and staff of the university in relation to the provision of accommodations for the unique needs of students both in and out of the classroom. Through the provision of services, OAS offers an opportunity for all students to achieve their academic and personal goals.

### **PROCEDURE:**

#### **Reasonable and Unreasonable Accommodations**

A reasonable accommodation includes actions to eliminate or reduce physical or instructional barriers to learning. Accommodations are individualized to a student's needs, which can include physical accessibility and participation in course activities.

Accommodations are reasonable unless they:

- Alter or remove essential requirements.
- Fundamentally alter the nature of the program.
- Impose undue financial or administrative burden.
- Pose a threat to others.

#### **Determination of Fundamental Alteration**

If a reasonable basis exists to believe there is a legitimate fundamental alteration question, OAS will verify that the instructor, department, and/or program have articulated the essential requirements for the course and/or program and provided notice of them to students.

OAS will identify a group of objective persons knowledgeable about the academic area, any related licensing requirements, any applicable accreditation for the course of study, the student's disability, and accommodation methods. The group should not be limited exclusively to individuals from the department that provides the course or program.

The group should identify the objective of the requirement, taking into consideration the information provided by the instructor, program or department concerning essential requirements, including curriculum approval or course creation documents. The group will ensure that the requirement is not simply based on tradition or routine practice without direct connection to essential requirements.

The group should consider whether the requirement is consistent with similar programs at other educational institutions, and with relevant national and expert guidelines; and whether there is any unique justification for a requirement that is not generally adopted by other educational institutions.

The group should consider information provided by the student relevant to determining whether notice of the essential requirement in question has been provided to the student, and whether the

accommodation requested by the student would invalidate the objective of the requirement.

The group should determine whether the accommodation requested by the student would invalidate the objective of the requirement. If not, the accommodation will be implemented.

If the requested accommodation would invalidate the objective of the requirement, the group (or designated members) will promptly and diligently search for alternate accommodations in consultation with the faculty member, OAS, program and the student.

The group should address the following:

- Are there alternate ways that the student can acquire or demonstrate mastery of the skill that would meet the same fundamental objectives of the course or program?
- Have we diligently searched for potential alternatives?
- Have we included all the necessary people in this search?
- Have we identified whether other postsecondary institutions have identified alternatives that achieve the objectives of the College without fundamentally altering requirements?

If the group has explored this issue in a well-reasoned manner, without resort to a pretext for discrimination, believes the accommodation would fundamentally alter the essential elements of the course or program and no reasonable alternative accommodations exist, then the accommodation can be denied.

The determination that an accommodation is unreasonable is an institutional decision that must meet legal and educational requirements. Though the academic judgments involved in such decisions are typically the prerogative of the academic unit involved, those judgments must be made within legal parameters. Therefore, such determinations require collaboration between faculty, the academic department, OAS and General Counsel, if needed.

## **Faculty Accommodation Concerns**

### **The Initial Process**

- First, the faculty member should contact the Office of Accessibility Services to speak with the student's Accessibility Specialist preferably within one business day after receiving the accommodation letter.
- Second, if the accommodation issue/concern is not resolved, OAS or the faculty member may require a meeting with the student involved, the instructor and/or college representative (i.e., department chair, academic dean, and other involved parties).
- Finally, if an agreement concerning an accommodation request is not reached after OAS, the student and the faculty member have met at least once, then the faculty member can initiate a formal appeal by submitting the request to both the Faculty Senate President and OAS.

### **Appeal Process**

The appeals process outlined below may be utilized to address circumstances in which:

- 1) A faculty member disagrees that the accommodation does not constitute a fundamental alteration, or
- 2) A faculty member does not take issue with the accommodation, but disagrees with the decision of how

the accommodation will be implemented.

For those complaints that cannot be resolved during the initial process, then a formal procedure shall be initiated within two business days of the unresolved complaint. The procedure is initiated by the submission of a written document from the faculty member to both OAS and Faculty Senate President (see below), outlining which of the grounds above is applicable and providing a brief recitation of the complaint.

For any dispute related to the application of an accommodation in a particular course, the faculty member shall present to the panel his or her concerns about the accommodation and shall have the opportunity to present any information or documentation that the faculty member believes is relevant. The panel can request additional information relevant to the appeal.

The Panel will be comprised of 4 people:

- 1) a faculty member appointed by Faculty Senate President who will serve as chair,
- 2) a faculty member from the College/department for which the course is approved,
- 3) Office of Accessibility Services representative, and
- 4) Office of the General Counsel representative.

Within five business days a decision will be made by the panel. The report including recommendations and any dissenting opinions will be submitted to the Vice President for Faculty Development and Advancement.

**During the appeal process, the student is entitled to receive all accommodations recommended by OAS. It is important that issues/concerns are addressed promptly so that the student's participation in the course, program, or activity is not affected.**

#### **Additional Resources:**

Wynne and Guckenberger have good guidance on a process for evaluating fundamental alteration.

Wynne v. Tufts

<https://m.openjurist.org/976/f2d/791/wynne-v-tufts-university-school-of-medicine>

[https://scholar.google.com/scholar?q=wynne+v+tufts+simon&hl=en&as\\_sdt=0&as\\_vis=1&oi=scholar#d=gs\\_qabs&u=%23p%3DK9rRo6SD\\_xlJ](https://scholar.google.com/scholar?q=wynne+v+tufts+simon&hl=en&as_sdt=0&as_vis=1&oi=scholar#d=gs_qabs&u=%23p%3DK9rRo6SD_xlJ)

Guckenberger v. Boston University <https://www.leagle.com/decision/19971080974fsupp10611066>



Zoom Poll Results from September 16, 2020

Arts & Sciences	Gary Tyson	Approve	Do not approve	Do not approve	Approve	Approve	Do not approve
Human Sciences	Gloria Salazar		Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Hank Bass	Approve	Approve	Approve	Approve	Approve	Approve
Human Sciences	Heidi Gazelle	Abstain	Approve	Approve	Approve	Abstain	Approve
Social Sciences & Public Policy	Holger Kern		Do not approve	Approve	Approve	Approve	Approve
Arts & Sciences	Ian MacDonald	Approve	Approve	Approve	Approve	Approve	Approve
Social Sciences & Public Policy	Irene Padavic	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Irinel Chiorescu	Approve	Approve	Approve	Approve	Approve	Approve
Education	James Du	Approve	Approve	Approve	Approve	Approve	Approve
Music	Jayne Standley	Approve	Do not approve	Do not approve	Approve	Approve	Do not approve
Fine Arts	Jen Atkins		Approve	Approve	Approve	Approve	Approve
Communication & Information	Jennifer Proffitt	Approve	Approve	Do not approve	Approve	Approve	Approve
Nursing	Jessica Bahorski		Approve	Approve	Approve		Approve
Fine Arts	Jessice Ingram			Do not approve	Approve		
Engineering	John Sobanjo	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Kathryn Jones	Approve					
Hospitality	Kimberly Harris		Approve	Approve		Approve	Approve
Arts & Sciences	Mark Bourassa	Approve			Approve		Approve
Education	Marty Swanbrow Becker	Approve	Approve	Approve	Approve	Approve	Approve
Medicine	Michael Blaber	Approve	Approve	Approve	Approve	Approve	Approve
Music	Michael Buchler	Approve	Do not approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Michael Bukoski	Approve	Approve	Abstain	Approve	Approve	Approve
Fine Arts	Michael Carrasco	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Ming Ye	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Monica Hurdal	Approve	Do not approve	Approve			Approve
Music	Nancy Rogers	Approve	Do not approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Paolo Aluffi	Approve	Approve	Approve	Approve	Approve	Approve
Education	Patrice Iatarola	Approve	Approve		Approve	Approve	Approve
Engineering	Patrick Hollis	Approve	Approve	Approve	Approve	Approve	Approve

Zoom Poll Results from September 16, 2020

Communication & Information	Paul Marty	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Peter Hoeflich	Approve	Do not approve	Do not approve	Approve	Approve	Do not approve
Social Sciences & Public Policy	Petra Doan	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Philip Sura				Approve		Approve
Arts & Sciences	Qian Yin	Approve	Approve	Approve	Approve	Approve	Approve
Communication & Information	Richard Morris		Approve	Approve	Approve		Approve
Fine Arts	Rob Duarte	Approve	Approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Robert Stilling	Approve	Approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Robin Goodman	Approve	Approve	Approve	Approve	Approve	Approve
Engineering	Samuel Grant	Approve	Approve	Approve	Approve	Do not approve	Approve
Social Sciences & Public Policy	Sarah Lester	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Scott Stagg	Approve	Approve	Approve	Approve	Approve	Do not approve
Arts & Sciences	Sudhir Aggarwal	Approve	Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Tarez Graban	Approve	Approve	Do not approve	Approve	Approve	Approve
Fine Arts	Theresa Van Lith				Approve	Approve	
Arts & Sciences	Todd Adams	Approve	Approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Trinyan Mariano	Do not approve	Approve	Do not approve	Approve	Approve	Approve
Education	Veronica Fleury	Approve	Approve	Do not approve	Approve	Approve	Approve
Arts & Sciences	Virginia Lewis		Approve	Approve	Approve	Approve	Approve
Arts & Sciences	Will Hanley	Approve	Approve	Abstain	Approve	Approve	Approve
<b>Summary</b>	Approve	59	60	47	72	65	68
	Do not approve	1	11	20	1	1	4
	Abstain	1	0	3	0	1	0
	Did not vote	16	6	7	4	10	5
	Total	77	77	77	77	77	77