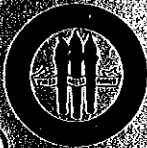


Boal



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YNYNN-Y-Y-04/09/01-09:28

AGENDA
FACULTY SENATE MEETING
DODD HALL AUDITORIUM
April 18, 2001
3:35 p.m.

- I. Approval of the minutes of the March 21, 2001 meeting
- II. Approval of the agenda for the April 18, 2001 meeting
- III. Election of the Faculty Senate President, K. Laughlin
Election of the Steering Committee, D. Moore
- IV. Report of the Steering Committee, V. Richard Auzenne
- V. Reports of Standing Committees
 - a. Undergraduate Policy Committee, M. Young
 - b. Library Committee, R. Rill
 - c. Grievance Committee, C. Piazza
- VI. Report of Special Committee
 - a. Ad Hoc Committee on Apparel Licensing, C. Livingston
- VII. Unfinished Business
- VIII. New Business
- IX. University Welfare
- X. Announcements of Deans and other administrative officers
- XI. Announcements of Provost L. Abele
- XII. Announcements of President D'Alemberte

RECEIVED

APR 17 2001

Dean of the Faculties Office



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Tallahassee, Florida 32306-1480

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FACULTY SENATE MEETING
April 18, 2001
Dodd Hall Auditorium
3:35 p.m.

RECEIVED

SEP 21 2001

Dean of the Faculties Office

I. Regular Session

The first regular meeting of the 2001-2002 Faculty Senate was held on Wednesday, April 18, 2001. Senate President Karen Laughlin presided over the election of the Senate President.

The following members were absent. Alternates are listed in parenthesis: T. Anderson, B. Atkins, S. Blumsack, R. Braswell, E. Collins, S. Colombo, P. Dalton, N. Davis (S. Wood), L. DeHaven-Smith, B. Edwards, B. English, D. Epley, L. Flynn, G. Fournier, J.C. Galeano, F. Garcia, J. Grant, K. Grise, B. Jordan, N. Jumonville, D. Ketchen, W. Landing, S. Lewis, P-E Lin, R. Mariscal, N. Mazza, J. Meyer, D. Moore, R. Neuman, T. Ohazama, J. Ohlin, M. Pohl, P. Ray, R. Reeves, D. Scott-Simmons, F. Simons, J. Tull, F. Vickory, D. VonGlahn, V. Walker, Z. Wang, P. Xiong.

II. Approval of the minutes

The minutes of March 21, 2001, were approved as distributed.

III. Approval of the agenda

The agenda for today's meeting was approved as distributed.

IV. Election of the Senate President

Senate President Karen Laughlin opened the floor for nominations. Senate President Karen Laughlin was nominated and unanimously elected for a second term. Congratulations to President Laughlin.

V. Election of the Steering Committee, D. Moore

Senator Moore reminded the Senate that a slate of nominees had been distributed. These nominees are: Fred Standley, James Cobbe, Timothy Matherly, Joseph Beckham, Randy Rill and Perrin Wright. There were no additional nominations from the floor. Senators were directed to vote for no more than 3 persons.

Voting on the first ballot was Standley = 38, Cobbe = 28, Matherly = 21, Beckham = 27, Rill = 19 and Wright = 29. Nominees receiving a majority of the 55 votes cast were Standley, Cobbe and Wright. As all vacancies were elected on this ballot, the elections were ended.

The Steering Committee and terms are as follows:

Karen Laughlin, Senate President, Chair
Valliere Richard Auzenne, Motion Pictures, Television and Recording Arts, 2002
James Cobbe, Social Sciences, 2003
Robley Light, Arts & Sciences
Clifford Madsen, Music, 2002
Fred Standley, Arts & Sciences, 2003
Perrin Wright, Arts & Sciences, 2003
Marilyn Young, Communication, 2002

VI. Report of the Steering Committee, V. Richard Auzenne

The Steering Committee has met four times since the last Senate meeting including our monthly meeting with President D'Alemberte. During the meeting, the President provided an update on several issues including Legislative developments. Specifically we discussed an Academic Freedom clause that is being proposed in the governance legislation. The President reported that Collective Bargaining issues might remain unresolved this year. He also reported that the Board of Regents is now acting as a clearinghouse for all SUS amendments to the Governance Legislation.

Also discussed was the issue of faculty representation on the Board of Trustees, which the Legislature does not appear to support. The Legislature is also discussing the question of student representation on the Board of Trustees.

The President also discussed several issues related to the Medical School including the Deans search which has yielded candidates which ere announced last week. The President reported that temporary facilities for the Medical School will be

adjacent to the Nursing School, and the Learning Center at the Lab School will also serve as a temporary site.

The President also provided an update on the Ringling Museum including the announcement of the new director, John Wetenhall. He discussed the continuing renovations of Cad 'e' Zan, the Florida home of Mable and John Ringling.

The steering Committee spoke briefly with the President about the administration policy of fining colleges for late grades and expressed concern about these charges.

Senate President Laughlin discussed this issue with the Provost who was unable to meet with the Steering Committee.

A number of individuals were invited to meet with the Steering Committee this month. On April 2 we met with Glen Thomas, Directory of the Florida State University School to discuss ongoing developments and the proposed changes associated with the impending move to Southwood. In the context of discussion about curricular changes requiring all students take a 3-course sequence in a specific career areas as well as 10 college preparatory courses, Mr. Thomas noted that efforts have been made to protect the arts and that there is now added emphasis on chemistry and physics. We also discussed class size, the research mission of the school and how this relates to the teaching environment planned for the Southwood building. Senator Cliff Madsen has been designated as the Steering Committee's liaison to the Lab School and he will continue to follow developments with particular attention to their impact on faculty members.

Cathy Levenson, chair of the Senate's ad hoc Committee on Apparel Licensing and Committee member Jim O'Rourke met with the Steering Committee on April 9 to present the Committee's report and discuss proposed recommendations to the full senate. Steering Committee members expressed their appreciation to this group for their thorough study of existing licensing policies and practices at FSU and elsewhere and approved the committee's report. That report as well as the Committee's recommendations will be presented to the Senate later in this meeting.

On April 16, the Steering Committee met with Randy Rill, chair of the Senate Library Committee to review a proposed statement concerning the general purpose and procedures of the Library Committee. The Steering Committee approved the document, which does not constitute a change to Senate Bylaws but rather is an addition to the current written policies of the Faculty

Senate. Chairman Randy Rill will comment on this document as part of his report later in today's meeting.

At the same meeting, Donna Nudd, chair of the Association for Women Faculty and Administrators (AWFA) and Jerrilyn McGregory incoming chair of this group provided the Steering Committee with an update on their efforts to examine faculty retention and gender diversity issues, particularly as they affect women faculty. Donna and Jerrilyn also reported on their recent meeting with the Provost, Dean of the Faculties, Diane Montgomery and Professor Nancy Marcus to discuss these issues.

AWFA has requested that a Commission on Faculty Retention at FSU be established and a study conducted that would examine retention and gender diversity. The group has already begun reviewing data on promotion and tenure decisions at FSU over the past five years. They plan to meet again with the Provost and other administrators in May for further discussion of the commission's focus and goals, the proposed study, and the hiring of one or more outside consultants to help develop this study and perhaps also to present a public lecture. The Steering Committee strongly supports the actions of this group, and Senators Laughlin and Richard Auzenne have agreed to participate in the May meeting with the Provost.

Senate President Laughlin discussed with the Steering Committee the proposal from the Council of Deans to standardize the naming of degree granting units. The individual faculty in the existing schools is now being asked to vote on changing their names to colleges.

During the past few days, Senate President Laughlin has been in conversation with President D'Alemberte about academic freedom issues, particularly in light of the editorial by Education Commissioner, Charlie Christ, published in last Saturday's Tallahassee Democrat. President D'Alemberte, along with FSU lobbyists and others in the SUS, continue to work to encourage legislators and other government officials to recognize the importance of safeguarding academic freedom. The Steering Committee is also lending support to these efforts.

Senate President Karen Laughlin and Senate Robley Light met on April 4 with Accenture Consultants to participate in the strategic planning initiative being conducted by the Office of the Vice President for Finance and Administration.

Following up on the action of the Senate in adopting the recommendations of the Task Force on Liberal Studies, the

Steering Committee has appointed an ad hoc Liberal Studies Coordinating Group to develop and prioritize plans for implementing Task Force recommendations. The group is working to arrange their first meeting next week and plans to continue meeting over the summer. The following individuals have agreed to serve: Marilyn Young and Perrin Wright, co chairs; Jane Clendenning, Deborah Coxwell-Teague, Ken Goldsby, Sandra Rackley and George Weaver.

The Steering Committee presents the proposed Senate dates for confirmation: September 12, October 17, November 14, December 5, 2001, January 16, February 20, March 20, and April 17, 2002. The Senate confirmed these dates.

VII. Reports of Standing Committee

a. Undergraduate Policy Committee, M. Young

Since the March Senate meeting, the Undergraduate Policy Committee has taken the following action:

1. Approved for Multicultural credit:
 SPN 4540x, Regional Cultural Studies
 AFA 1003y, Diversity and Justice
2. Approved for Oral Communication credit:
 NUR 4652, Substance Abuse and Effects on Health
 THE 2020, Introduction to Theatre for Majors

Some time ago we approved for Liberal Studies Credit Area I, for the second course in Mathematics PHI 3130, Introduction to Symbolic Logic. We decided to wait to bring this course to the Senate until the moratorium on new Liberal Studies courses was lifted. This course has to be approved by the full Senate. Copies of the syllabus were made available when you signed in today. **The Senate voted to approve PHI 3130, Introduction to Symbolic Logic for Liberal Studies credit in Area I.**

b. Library Committee, R. Rill

Chairman of the Library Committee gave a detailed report of the committee's actions (attached as Addendum I).

c. Grievance Committee, C. Piazza

Professor Piazza reported that an ad hoc committee has spent much of the last year revising the Grievance Committee procedures. It became necessary to develop a standard set of procedures to incorporate and update the administrative codes

with operating practices. The committee has also developed forms to allow consistency within the structure. When these procedures have been finalized copies will be sent to all faculty and a copy will be placed on the Faculty Senate web page.

VIII. Report of Special Committee

a. Ad Hoc Committee on Apparel Licensing, C. Levenson

Professor Levenson gave a report on the activities of the Committee on Apparel Licensing (report attached as Addendum II). The Senate voted to approve the Committee's recommendations as stated on the bottom of page 1 of the report.

IX. Unfinished Business

There were no items of unfinished business for today's meeting.

X. New Business

There were no items of new business for today's meeting.

XI. University Welfare

There were no items of university welfare for today's meeting.

XII. Announcements of Provost L. Abele

Provost Abele discussed the issues of promotion and tenure. He expressed grave concerns over the lack of consistency within departments to give satisfactory evaluations to colleagues and then vote no for promotions and/or tenure. He has issued a memorandum stating that positions will be lost to departments that continue to put forward faculty files that are not approved by a majority of committee members.

Some members of the Senate took exception to this general mandate citing such things as publication schedules, differences in evaluating disciplines and recent administrative decisions to overturn committee recommendations. Provost Abele welcomes comments from the faculty on this issue.

XIII. Announcements of President D'Alemberte

President D'Alemberte stated that the tenure issue is badly misunderstood with the public at large. We must make every effort to strengthen our tenure recommendations.

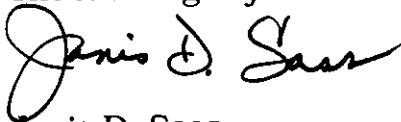
President D'Alemberte is not convinced, at this time, joining the Workers Rights Consortium (as recommended by the ad hoc Committee on Apparel Licensing) is in FSU's best interest. He would like to speak directly to WRC before making a decision.

Budget issues are still not clear. The House budget is better for us this year than the Senate proposals.

We are still suggesting names for our Board of Trustees. This announcement should be made in early summer.

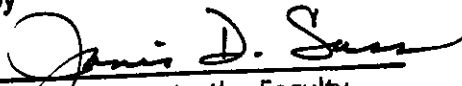
XIV. Adjournment

The meeting adjourned at 5:30



Janis D. Sass
Secretary to the Faculty

Certified as a corrected and official
copy

by 
Secretary to the Faculty

A. Henderson

**Summary of Faculty Senate Library Committee Activities and
Recommendations: Academic Year 2000-2001** (rev. 4/16/01)

Preface. There have been a number of positive changes in the Library this year. Legislative actions provided a non-recurring allocation of over \$1.2 million for purchase of monographs. Additional budget increases combined with a decrease in the rate of inflation of subscriptions to eliminate the need for subscription cancellations this year. The combined effects allowed the Library to make substantial progress in increasing its monograph collections after several years in which the budget emphasis had been on subscriptions. Budget estimates for next year suggest that subscription cuts will not be needed in 2001-2002 AY.

As you know, prior to the Fall 2000 semester Charles Miller retired as Director of the Library after 27 years of faithful service. Prof. Emeritus William Summers was appointed as interim Director. Bill has ably led the Library this year, and has worked very positively and constructively with the Library Committee. His leadership also has been well received by Library faculty.

The search for a new Director of Libraries has been active this Spring semester. The Library Committee is well represented on the Library Director Search Committee by three members: Prof. Randolph Rill, Neil Jumonville, and Laurin Wollan. The Search Committee identified three highly qualified individuals for interviews from an applicant pool of 18. Two candidates visited the campus in March, and the third will visit April 23-24. My personal impressions of the first two candidates were very positive and encourage me to believe that FSU can look forward to hiring an individual with the experience, outlook and vigorous leadership qualities needed to improve Library services, and to move the University forward in the ranks of ARL research libraries.

On a more sober note, discussions arising from the search for a new Director have reemphasized several deficiencies of the Library. The Library is chronically underfunded and understaffed. Space available for library functions is perhaps half of what is needed. Strozier Library is a good undergraduate library, but is not adequate as a research library facility. Older volumes are stored in poorly conditioned environments, and more storage space is necessary. These deficiencies place FSU near the bottom of ARL rankings. Successful recruitment of a Library Director who aims to improve our ARL rank will require commitments of new resources and the ability to raise private funds. The Library Committee strongly encourages the University to support library enhancements requested by the Director-select.

The Library Committee undertook a number of initiatives during this year, using the Access Planning document approved by the previous year's Committee and the Senate as a guide. Pursuit of certain recommendations of this document was considered inappropriate until a permanent Director was appointed. Following is a summary of the major Committee activities and actions, listed in approximate chronological order.

Activity Summary and Recommendations.

Actions Taken

- Faculty Senate member Randolph Rill, Professor of Chemistry, was elected to Chair the Library Committee.
- Prof. Rill appointed members to the four standing subcommittees. The subcommittees and their designated chairs were Collections (Rill), Electronic Access (Prof. David Kuhn), Patron Relations (Prof. Denise VanGlahn), and Primary Sources (Prof. Dennis Moore). A new Library Committee Steering Subcommittee was created. The Steering Subcommittee was composed of the chairs of the four standing subcommittee, plus former Chair Wendy Crook, and Charles McClure, Eppes Professor of Information Studies.
- A motion was approved to elect the Chair for the following academic year at the last meeting of the academic year. The Chair and new Chair-elect are instructed to consult on Library Committee affairs that may arise during the intervening Summer. (Statement 4 of *Procedures*)
- Acquisition of several new electronic access databases was approved as recommended by the Library.
- A policy prohibiting cell phone use in the Library common areas was approved.
- A proposal from Prof. Tricia Young (Department of Dance) for creation of an audiovisual center in Dance was heard and discussed. The Committee concurred with a recommendation by Interim Director Bill Summers to create a Multimedia Center in the Library.
- A new Multimedia Center was established in Strozier using funds provided by the Administration to renovate space, purchase electronic equipment, and initiate collections, including materials requested by the Department of Dance. Funding was also provided for personnel to staff the Multimedia Center. Two staff are being recruited and the facility should open soon.
- A resolution was passed thanking Provost Larry Abele, Assoc VP Fred Leysieffer, Dean of Faculties Steve Edwards, and other involved parties for prompt and generous response to requests for the multimedia center.
- The policy on subscription cancellations adopted in 1998 was clarified to prevent cancellation of high impact, low cost subscriptions that are heavily used by undergraduates. Subscriptions recommended by departments for cancellation will be examined by the Library. Subscriptions meeting the above criteria will be brought for review to the Collections subcommittee, which will make recommendations for final dispensation to the Library Director.
- The Committee recommended that broad interest, low cost subscriptions be funded separately in the Library budget.

- The Committee advocated for representation on the Library Director Search Committee. Prof. Randolph Rill, Neil Jumonville, and Laurin Wollan are serving on the Search Committee.
- A number of members were disturbed by the lack of documentation specifying the functions and aims of the Library Committee. Some concerns were related to deficiencies in continuity and institutional memory. Other concerns were temptations of the Committee to micro-manage or otherwise intrude inappropriately on Library affairs and responsibilities of Library personnel. These concerns were addressed after considerable deliberation by approving a FSU Faculty Senate Library Committee statement of "General Purpose and Procedures" (see Recommendations and attachment).
- The Library calendar for 2001-2002 was approved.
- The annual solicitation for acquisition of Primary Sources was conducted and recommendations were made for funding.
- Members filled out a check-off form to indicate their subcommittee preferences and interest in serving as Chair.
- Prof. Rill was elected Chair for the 2001-2002 academic year.

Activities in Progress

- A strong need to improve communications between Library and faculty was recognized. This issue is being addressed, in part, by re-examining and revising the Library Faculty Liassons group. Liasson appointments are being reviewed, and a document is being prepared to inform Faculty Liassons of procedures and their responsibilities. The Committee has also emphasized the importance of the Library website, and suggested that consideration be given to appointment of a full-time 'webmaster'.
- The Primary Sources Subcommittee has made recommendations to improve acquisitions of primary source materials. A recommendation was made to conduct solicitations for primary source acquisitions twice in the academic year instead of the present single solicitation. Concern was expressed for the potential needs of newly hired faculty for prompt acquisition of special collections materials. It was agreed that the Library will study and create guidelines for primary source/special collections acquisitions next Fall semester. Prof. McClure volunteered to assist. It was also agreed that newly hired faculty should be informed of procedures for requesting collections additions during their orientation to the Library. • The Interlibrary Loan process and opportunities for electronic access and downloading of journals are being examined to assess options for addressing future subscriptions budget shortfalls.
- Policies with respect to Library access and privileges of visiting faculty, certain postdoctoral research associates and other guests are under consideration.

Future concerns of the Library Committee.

- Forming supportive relations with the new Library Director.
- Increasing Library funding through donations and other new measures.
- Soliciting Science Area participation in a planned response to subscription cost increases.
- Improving the Faculty Liasson system and exploring other avenues for improving Library and stakeholder communications.
- Increasing campus awareness and appreciation for the Library.

Recommendations.

The Library Committee recommends approval of the attached 'FSU Faculty Senate Library Committee statement of "General Purpose and Procedures"' as part of the written record of the Faculty Senate.

FSU Faculty Senate Library Committee

General Purpose and Procedures

(last revised 4/16/01)

Purpose

The Faculty Senate recognizes the central role of the Library in the intellectual life and mission of the University. The Senate Library Committee is the official steward of Library affairs for the Faculty. The charge of the Faculty Senate to the Committee is to "consider University-wide policies on general Library operations"¹. The Committee supports the purpose of the Faculty Senate, which is to "formulate measures for the maintenance of a comprehensive educational policy and for the maximum utilization of the intellectual resources of the University"². The Library Committee fulfills its purpose by

- encouraging and mediating Faculty communication with the Library;
- participating in development of Library goals, priorities, and plans;
- providing advice to aid the Library in delivery of services;
- consulting with University and Library administrations on Library affairs;
- advocating for Library plans and resources.

Procedures

- (1) Members of the Library Committee are appointed by the Faculty Senate as specified in the Senate Bylaws¹.
- (2) The Committee customarily holds monthly meetings when the University is in session during the academic year. The meeting schedule for the following academic year is determined at the last meeting of the Spring semester. The Secretary to the Faculty or an alternate takes and distributes written minutes of meetings.
- (3) The Chair is responsible for convening meetings and determining the agenda in consultation with the Library Director. The agenda is distributed to Committee members at least two days prior to each scheduled meeting.
- (4) The Faculty Senate President presides over the election of the next year's Chair at the last regularly scheduled Library Committee meeting of the Spring semester. The Chair is elected from members holding Committee appointments continuing for the following academic year. The Chair and new Chair-elect consult on Library Committee affairs that may arise during the intervening Summer.
- (5) The Library Committee organizes the conduct of its affairs through subcommittees composed of representatives of the Committee and the Library faculty. The compositions and charges of subcommittees are determined by the Chair. Subcommittees meet at least once each semester, or as often as required to address their charges. The Library Committee presently has four standing Subcommittees with the following functions.
 - The Collections subcommittee makes policy recommendations and consults with Library faculty regarding subscriptions, monographs and other collection acquisitions, cancellations and access.

- The Patrons subcommittee makes policy recommendations and works to ensure open communications with respect to Library relations with stakeholders.
- The Electronic Access subcommittee makes policy recommendations and consults with Library faculty regarding acquisition and cancellation of access to electronic bibliographic and reference databases
- The Primary Sources subcommittee solicits and prioritizes faculty recommendations for acquisitions of primary source materials from funds allocated for this purpose in the budget.

(6) A Library Committee Steering Subcommittee consists of the Library Committee Chair, the chairs of standing subcommittees, and other individuals invited at the discretion of the Chair. The Steering subcommittee advises the Chair, coordinates activities of the subcommittees, and on occasion may represent the Committee in discussions with the Library and University administration.

(7) Policies recommended by the Library Committee are submitted to the Faculty Senate for approval.

(8) The Library Committee annually provides the Faculty Senate with an oral and written summary of its activities during the past academic year.

¹ Source: Article 8 of the Faculty Senate Bylaws. The full content of Article 8, which also defines the composition of the Library Committee is as follows.

The Library Committee shall consider University-wide policies on general library operations. Members of this Committee shall be appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall each have one additional representative; and the College of Arts and Sciences shall each have four additional representatives. The Vice President for Academic Affairs, or his or her designee, the Dean of the Faculties, or his or her designee, and the Director of University Libraries shall be ex-officio members; and membership shall include a graduate student and an undergraduate student from different colleges or schools appointed for a one-year term by the President of Student Government.

The Committee shall annually elect its chairperson from the faculty representatives. The Committee will make its recommendations to the Steering Committee which will transmit the recommendations to the Senate for action.

² Source: The Florida State University Constitution, Section 1.1B. The relevant statements are as follows.

The Faculty Senate shall be the basic legislative body of the University.

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.*
3. *As the elected body of the General 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 Regents will be advisory.*

4/10/01

TO: Faculty Senate Steering Committee
FROM: Ad Hoc Committee on Apparel Licensing
RE: Committee Report

INTRODUCTION

The Ad Hoc Committee on Apparel Licensing was formed in March of 2000 and charged with the monitoring of policies and practices pertaining to the involvement of universities in apparel licensing, and the specific role of FSU in such policies and practices.

Committee members, James Cobbe, Felecia Jordan, Cathy Levenson (Chair), James O'Rourke, Paul Simmonds, and Diane Standaert have met regularly for one year. The committee met with Faye Harris, Director of University Trademark Licensing, and Robert Jurand, University General Counsel. We reviewed and discussed current media reports, decisions of other Universities, relevant University documents, and current monitoring practices.

The Committee commends the University for the initiatives taken in the development of the Collegiate Licensing Corporation (CLC) Code of Conduct and its ongoing participation in the Fair Labor Association (FLA). The committee also wants to commend Faye Harris for her distinguished service to the University and her clear commitment to protecting the FSU marks and symbols.

In the course of our discussions, the committee investigated a number of organizations charged with monitoring labor practices. There are two major groups that invite University participation, the FLA and the Worker's Rights Consortium (WRC). These groups, as outlined below, have different origins, organizational structures, and focuses.

Fair Labor Association:

- Formed in 1997 under White House directive by Industry Leaders, the CLC, and NGOs
- Has a 14 member board
 - 6 companies (1 seat each)
 - 6 NGOs, (1 seat each)
 - 1 Chair
 - 1 University (180 Universities, 1 collective seat)
- Has industry representation
- Decisions require majorities of *both* industry and other board members
- Manufacturers are able to choose factories for inspection
- Monitors are chosen by the companies

Worker's Rights Consortium:

- Formed 2000 by NGOs and student groups who did not join the FLA
- Board consists of
 - 5 NGOs
 - 5 University administrators
 - 5 labor representatives
- WRC does not have industry representation
- Decisions require majority vote
- Rather than monitoring, the WRC works with local NGOs

COMMITTEE RECOMMENDATIONS

1. In addition to our current membership in the FLA, the Faculty Senate should approve a motion to endorse the affiliation of FSU with the Worker's Rights Consortium (WRC) without specifically endorsing the living wage and OSHA regulation aspects of the WRC code of conduct.
2. The Faculty Senate should ensure the existence of a mechanism, that includes faculty and students, for continued oversight of FSU licensing procedures and policies regarding all products bearing university marks.

RATIONALE FOR RECOMMENDATIONS

Recommendation #1: Join WRC and FLA

Analysis of the FLA

While FSU's involvement with the Fair Labor Association is a good first step towards improving labor conditions in apparel factories in the developing world, the FLA is in itself inadequate to bring about substantial change in that industry. Some of the problems in the FLA's procedures are the following:

1. The FLA requires only a small percentage of a company's factories to be monitored yearly.
2. The process by which monitors is selected is fundamentally flawed. The companies choose and contract their own monitors, each of whom can do up to \$100,000 worth of business with that company annually. Even if respected human rights organizations are accredited as FLA monitors, companies are free to choose auditing firms like PricewaterhouseCoopers as their monitors. A field trial in the fall of 2000 highlighted some of the shortcomings in the FLA inspection process. An inspection was carried out by PricewaterhouseCoopers, which performs more than 6,000 factory inspections a year for companies like Nike. A simultaneous inspection conducted by an NGO contracted by five universities turned up a number of violations of labor codes that were missed by the PricewaterhouseCoopers inspectors. This discrepancy led Pharis Harvey, a member of the International Labor Rights Fund (a group affiliated with the FLA) to conclude that The lesson to be drawn is that PricewaterhouseCoppers has to learn how to monitor before it can claim it's doing a serious job (NY Times, 9/28/00; Appendix One).
3. Monitoring organizations within the FLA cannot operate independently, and their reports are subject to numerous restrictions, including confidentiality agreements. Under FLA guidelines, there is no efficient way for the organization to respond to a pressing situation such as the recent strike in Puebla, Mexico. (See Section IX of the FLA Charter Document: The Executive Director must first determine the credibility of any complaint of a labor law violation, and then a company is given 45 days to respond before any action can be taken. If this procedure had been followed in Puebla, the workers would have been fired and replaced before the FLA could have offered any response.)
4. The companies choose which of their factories are to be monitored. While the Executive Director of the FLA can suggest changes to the company's list of factories to be monitored, the FLA Charter Document asserts that in the case of a disagreement, there shall be a general presumption in favor of the Participating Company's suggested list of Applicable Facilities.
5. The FLA's voting structure minimizes university influence and allows the participating companies to control the organization through the requirement of super-majority consent on key issues. Universities have one seat on the fourteen member governing board of the FLA, while companies control six of the fourteen seats. In practice, the requirement of a super-majority, defined as a majority of both the company and non-company blocs on the governing board, means that any three companies have an effective veto on any amendments to the FLA bylaws, on the selection of a chair (who becomes the tie-breaking vote on any issue requiring a simple majority), and on numerous other issues. Under FLA rules, the decision to certify a company is by simple majority; a decision to decertify requires a super-majority. This means that the companies and the chair can override all non-company votes and certify a company as in compliance with FLA guidelines, yet all of the non-company members voting together with the chair and three of the six companies are not enough to decertify a company. Such asymmetry reflects the structural bias of the FLA, which is far more protective of the rights of companies than those of workers.

Analysis of the WRC:

The reasons for FSU to join the WRC in addition to the FLA fall into several categories.

1. As a result of the structural differences between the two organizations, the WRC supplements, rather than duplicates, the work of the FLA. The *modus operandi* of the WRC is entirely different from that of the FLA, and many of the gaps left by the procedures of the FLA are addressed by the WRC. The WRC does not rely on a formal, predictable inspection process; instead it is designed to form close relationships with indigenous labor and human rights NGOs in the developing world, and to give those organizations a venue for bringing their concerns to the attention of consumers in the US. This approach has both short and long term benefits.

2. Short term benefits of the WRC approach. The WRC is able to respond to crisis situations brought forward by its international contacts. Responses to a recent strike in Puebla, Mexico shows how the WRC and the FLA can complement each other, and it also indicates why the WRC is an essential element in any attempt to improve working conditions in apparel factories in the developing world. When workers in a factory operated by a Nike subcontractor went on strike in response to attempts by management to suppress the formation of an independent union, there was no provision in the FLA for an immediate response to this situation. But the WRC had a representative on the scene almost immediately, and began to circulate information to its members. After a brief period in which Nike attempted to minimize the situation by saying that it involved a dispute over the catering contract, the quick dissemination of information within university communities by the WRC made it impossible for Nike to maintain its original position, especially after the strikers were attacked and beaten by Mexican police led by the management-controlled union. The ILRF, an NGO within the FLA, weighed in and an outside observer was contracted to send information back to the ILRF from Puebla. When the observer's report essentially confirmed the information that had been provided by the WRC, Nike eventually agreed to send in a monitor from Verit. A preliminary report from Verit again confirmed much of the information provided by the WRC. The situation remains unresolved, but the workers now have a much better chance to create an independent union that looks out for their interests than they would have had without the intervention of the WRC (NYTimes, 1/27/01; Appendix Two,).
3. Long term benefits of the WRC approach: The WRC is based on the premise that indigenous workers and their allies must be the primary agents in bringing about improvements in labor conditions in the developing world. The primary responsibility of consumers in the developing world lies in supporting those efforts. The WRC is designed to act as a partner in strengthening unions and human rights organizations formed by, and for, the benefit of workers in the developing world by giving those organizations a reliable means of making their concerns heard by Western consumers. The willingness of the WRC to follow up on actions brought forward by indigenous NGOs should enable it to identify and address problems that could easily be missed by a typical FLA inspection, which can consist of nothing more than a brief visit from a team of auditors from a US accounting firm.
4. Recent Historical Context: The FLA was created after a series of media exposés of poor labor conditions in plants in the developing world; some of the most notorious of these reports involved Kathie Lee Gifford and Nike plants in Central America and Asia. The FLA was then formed on the premise of a cooperative relationship among apparel companies, human rights organizations and universities; in the original vision, companies that really wanted to improve their labor rights practices would provide information and resources to human rights organizations and universities, who would in turn offer their expertise to the companies in a joint effort to improve labor conditions in the developing world. While some limited gains have been achieved since that time (NY Times, 1/26/00; Appendix Three,), a number of events that have occurred since the formation of the FLA in 1998 indicate that there are still areas characterized more by confrontation than cooperation between companies and NGOs. For example:
 - A. Disclosure of Factory Locations: One of the most controversial issues that caused the schism between the groups who formed the FLA and those who formed the WRC was the disclosure of factory locations. Companies had insisted for years that any such disclosure would compromise proprietary information, a claim that anti-sweatshop activists claimed was disingenuous since nearly all factories produced products for multiple companies. The original FLA Charter made no provision for disclosure of factory locations. While FSU now receives a list of the factories at which FSU-logo apparel is made, this only occurred after members of the WRC continued to agitate for this practice after the formation of the FLA. As the argument for keeping factory locations secret became untenable for public relations reasons, Nike offered a new gambit in March of 1999: They offered to disclose factory locations on the condition that schools must commit that all external monitoring of factories making licensed product for the institution be done under auspices of the FLA; that is, no independent monitoring could be sponsored by universities to check on the efficacy of FLA monitoring. When that offer failed to quell the continuing demands for disclosure of factory locations, Nike, and the other members of the FLA, finally accepted full disclosure, and Nike ran self-congratulatory ads in many campus newspapers claiming that this new practice represented Nike's commitment to transparency and labor rights. If Nike's offer in March of

1999 had been widely accepted, the report in fall of 2000 on the inadequacy of PricewaterhouseCoopers inspections could never have come about.

- B. Nike and global issues management: Contrary to the image of cooperation that accompanied the formation of the FLA, a *Newsweek* report of March 2001 claims that Nike has developed an aggressive public relations machinery designed to combat the anti-sweatshop movement. According to *Newsweek*, Vada Manager, who serves as Nike's spokesperson on global labor issues, says that he was hired in 1997 in order to provide political insight and strategy to Nike. Manager's assessment of Nike's relation to the anti-sweatshop movement is, Nike approaches this as it approaches everything, as competition. And we aim to win. The *Newsweek* article reports that according to pollsters hired by Manager, while many consumers do associate Nike with sweatshops, only a negligible few care enough to stop buying Nikes (*Newsweek*, 3/12/01; Appendix Four). The *Newsweek* report makes it clear that Nike sees the anti-sweatshop movement as a public relations problem, and not as an opportunity to improve labor conditions in its factories in the developing world. Nike's unwillingness to work with the anti-sweatshop movement was epitomized by their evolving responses to the strike at the Kukdong factory in Mexico. Even after they were forced to agree to send in an outside monitor to review the situation, Nike forbade the monitors from Verit to speak to the members of the WRC at the Kukdong factory in Puebla.
5. The relations between FSU and its primary licensees raise issues involving both the university's ethical responsibilities as an institution of higher learning and the university's symbolic liability.
- A. Corporate vs. University Responsibility: Nike's polling efforts, as reported by *Newsweek*, reflect a bottom-line approach. Their discovery that there has been a negligible impact on sales despite the fact that many customers associate Nike with sweatshops has encouraged Nike to believe that the argument over responsibility for labor conditions in the developing world is a public relations argument that they can win. A university has a responsibility to look at more than the bottom line when they allow the university name and logo to be used to promote a line of clothing. We should become active partners, through financial support and expertise, in improving the lives of the people who make the clothing that bears the FSU logo. Both the WRC and the FLA can help, in different ways, to shape economic forces to the benefit of workers in the developing world. FSU should do all it can to support those efforts.
- B. A University's Symbolic Liability: While Nike's sales may be able to withstand the perception by many consumers that the company is associated with sweatshops, a university whose athletes wear the Nike swoosh runs the risk of tarnishing its own public image. The response to this problem should **not** be to sever relations with apparel companies in a quest for symbolic purity; rather it should be to try to use the university's standing as both a customer and as a marketing tool in order to influence Nike's labor standards.
- C. The FLA NO SWEAT Label: The FLA proposes to allow participating companies to sew a NO SWEAT: Fair Labor Association label into its clothing. This practice could easily become a vehicle through which companies protect themselves against public relations problems. When, or if, this labeling practice goes into effect, anti-sweatshop activists will protest the inadequacy of the FLA inspection process and the meaninglessness of the FLA label, and the companies will point to the universities affiliated with the FLA as a proof that the FLA is not just a self-serving means of protecting corporate images. Given the limited influence that universities have within the FLA and the lack of demonstrable efficiency of FLA inspection, universities should not be in a position of serving as the symbolic guarantors of a process that they do not control and cannot certify.
6. Future Prospects: The monitoring of the international apparel industry is an area that, at least for the foreseeable future, will require both the independent voice of the WRC, and for the universities and NGOs within the FLA to engage directly with the companies. The most effective thing that could happen in the near future would be for the independent voices of the WRC to continue to point out the shortcomings of the FLA procedures, and for the NGOs and universities within the FLA, who have not taken a publicly confrontational stance towards manufacturers, to try to convince companies to treat labor disputes like the one in Puebla not as public relations problems but as symptoms of a situation in which improvements could redound to everyone's

benefit. There has been an increasing *rapprochement* between the NGOs affiliated with the FLA and members of the WRC over the past two years. Members of the WRC have praised the selection of Verit as the first accredited monitor for the FLA, while members of the ILRF, a human rights group affiliated with the FLA, have on several occasions contested statements made by FLA companies about the scope of FLA procedures and inspections. In the spring of 2000, Bama Athreya, a member of the ILRF, wrote in the *Chronicle of Higher Education* that Higher-education institutions should resist pressures to choose between participating in evolving WRC discussions and the FLA's monitoring program. Institutions and students can, and should, support both initiatives. Since that time, the WRC has evolved into an operative organization with a governing board, a charter, and 76 college and university members.

While the WRC has received some criticism for focusing only on collegiate sportswear to the exclusion of other points of contact between the industrialized and the developing worlds, the Rugmark and Fair Trade coffee practices suggest that the narrowness of that focus may actually be a strength. If consumers could come to identify collegiate-logo sportswear as a product that not only represented a tie to their school but as something that was made in conditions that improved the lives of some of the hardest working and least rewarded people in the world, it is easy to imagine that they would be willing to pay a small premium for that clothing and it would take a very small premium to noticeably affect the lives of apparel workers worldwide, if it were indeed passed on to them. Companies that saw that their competitiveness was not harmed, and was indeed enhanced, by the positive image that attached to their products, could be encouraged to extend the protections offered to the producers of collegiate sportswear to all of their workers in the developing world.

Conclusions for Recommendation #1

We believe that it would be consistent with the values that Florida State University should espouse for the University to support both groups the Fair Labor Association and the Worker Rights Consortium that are trying to improve the lives of the workers who make FSU-logo sportswear. We have some reservations about particular practices of both groups, and we recommend that FSU try to address these concerns from within each organization.

Regarding the FLA:

1. The FLA monitoring system must be improved. Any reliable inspection process must include unannounced visits from monitors whose expertise is in the field of international labor relations. The FLA system of allowing companies to pick their own monitors produces an inevitable conflict of interest that is not adequately addressed within FLA guidelines.
2. The FLA proposes to allow companies to place No Sweat labels on all of its clothing after a brief initial period in which only a small percentage of factories are inspected. This procedure mimics the Rugmark system, but only in a superficial way; it places a label on the product, but it offers no substantive guarantee regarding the conditions under which it was produced. Universities should not be in the position of seeming to lend an endorsement to a misleading guarantee. The FLA should defer indefinitely the idea of using No Sweat labels; if it does not do so, FSU should reconsider its position within the FLA.

Regarding the WRC:

1. The first provision in the WRC Code regarding the payment of a living wage is unduly optimistic about the practicality of this measure. While the living wage is an admirable principle in advancing the notion of a more equal exchange between members of the industrialized and the developing worlds, this is an issue that requires far more study before it could possibly be implemented in even a limited way. We suggest that if our recommendation to join the WRC in addition to the FLA is accepted that FSU include a provision in its own Code of Conduct encouraging its licensees to take wages into account when they make their contracts with subcontractors, and to structure contracts in such a way that it would be possible for subcontractors to pay a living wage. If such contracts were to become common, they would go a long way towards removing objections to the use of No Sweat labels.
2. The WRC does not include industry members in its governance structure, and it offers no positive incentives to companies who improve their workplace conditions. The WRC's distance from the apparel industry dates back to the contentious breakdown of the Apparel Industry Partnership talks in 1997, and reflects the mutual distrust that was engendered at that time. The WRC must take steps to work with companies in positive ways that reward improvements in labor conditions worldwide.

Recommendation #2: Create a Mechanism for Continued Oversight

The current licensing process is very limited in scope in terms of involvement and issues examined. First, there is currently no faculty or student input in licensing decisions and/or policies. Demonstrating their growing concern, chapters of United Students Against Sweatshops are forming on college campuses across the country. (A Florida State chapter recently formed this spring.) The student movement is also effectively utilizing electronic media for mobilizing, awareness raising, and monitoring the actions of universities and manufacturers. Given the growing interest in factory conditions among students and faculty, there needs to exist a vehicle through which their concerns may be voiced and heard. Second, oversight should include all issues related to manufacturing of university products. Within the movement, concerns focus primarily on the overseas manufacturing of apparel. Monitoring, however, should work to include oversight of both domestic and foreign manufactures. In addition, the University's monitoring should include the manufacturing conditions of all products, not just apparel.

If our recommendation for continued oversight and inclusion of faculty and students in this process is accepted we would further recommend that to create a broader, effective mechanism for oversight, responsibilities of those charged with the task should include the following:

1. Develop appropriate written objectives for F.S.U. Office of Licensing.
2. Evaluate current code of conduct to determine if a code supplemental to the Collegiate Licensing Committee is necessary.
3. Monitor uses of logo on all products, not just apparel .
4. Monitor policies concerning the manufacture of both domestic and foreign made products bearing University marks.