

AGENDA
FACULTY SENATE MEETING
DODD HALL AUDITORIUM
February 16, 2000
3:35 p.m.

- I. Approval of the minutes of the December 8, 1999 and January 13, 2000 meeting
- II. Approval of the agenda for the February 16, 2000 meeting
- III. Report of the Steering Committee, K. Laughlin
- IV. **Special Order: Discussion of Promotion and Tenure Meetings and the Sunshine Law, R. Light and F. Standley**
- IV. Reports of Standing Committees
 - a. **Undergraduate Policy Committee, M. Young**
Proposal to add Theatre to the list of areas from which courses may be taken for the Bachelor of Arts degree.
 - b. **Ad hoc Committee on Faculty Evaluations, J. Taylor**
Recommendations to implement The Student Assessment of Teaching Effectiveness (SATE)
- V. Unfinished Business
- VI. New Business
- VII. University Welfare
- VIII. Announcements of Deans and other administrative officers
 - a. Dave Hart, Athletic Director
- IX. Lawrence Abele, Provost and Vice President for Academic Affairs
- X. Announcements of the President of the University

THE LAST REGULAR SENATE MEETING OF THE 1999-
2000 YEAR WILL BE HELD ON MARCH 15 IN DODD HALL
AUDITORIUM



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FACULTY SENATE MEETING
Dodd Hall Auditorium
February 16, 2000
3:35 p.m.

I. Regular Session

The regular session of the 1999-2000 Faculty Senate met on Wednesday, February 16, 2000, at 3:35 p.m. Senate President Robley Light presided.

The following members were absent. Alternates are listed in parenthesis. J. Altholz, R. Arora, S. Ash, D. Boroto, R. Braswell, D. Christie, B. Close, C. Connerly, P. Dean, D. Ebener, K. Erndl (J. Kelsay), J. Gapinski, L. Giunipero, J. Graham-Jones, E. Hilinski, W. Kealy, E. Klassen, G. Knight, W. Laird, C. Lynch-B (J. Flake), R. Marshall, E. McDuffie (T. Baker), M. McElroy, B. Menchetti, D. Moore, W. Nichols, B. Palmer, M. Pohl, D. Rasmussen, P. Ray, V. Richard, S. Rickless, R. Rill, J. Teem, F. Vickory, D. Zahn.

II. Approval of the Minutes

The minutes of December 8, 1999 and January 13, 2000 were approved as distributed.

III. Approval of the Agenda

The agenda for February 16, 2000 was approved as distributed.

IV. Report of the Steering Committee, K. Laughlin

The Steering Committee has met four times since the last Senate meeting including our regular monthly meeting with President D'Alemberte. The meeting with the President included a lengthy discussion of efforts to organize a **campus lecture series** that would be funded at least primarily by tuition increase money. Student Government has been working in consultation with the Dean of Students office to line up one or more speakers for this year. The Steering Committee expressed its willingness to assist with future development of such a series in keeping with our ongoing commitment to enhance the intellectual climate and culture on campus. The President also updated the Steering Committee on the **proposed medical school**, reporting that he testified before the Senate Appropriations Committee on January 20. The **Southwood property development** continues to move forward, and the BOR staff is reviewing the proposal for a chartered FSU lab school that would be located on that site. In addition, we discussed the **ongoing search for a Vice President for Research**; progress on **Promotion and Tenure decisions**, recruitment of **Eppes scholars**, and explorations of

e-commerce technology possibilities by CPD. We addressed the governor's **One Florida plan** and its impact on graduate education as well as on minority financial aid. And finally, we discussed the **FSU license tag program**. The sale of FSU license plates has raised over 1.3 million dollars for scholarships, and the Steering Committee wants to take this opportunity to encourage all faculties to support this program.

Jim Melton from the FSU Alumni Association attended our next meeting and made a presentation of the **zseminoles.com web site**. The Association wants to encourage FSU alumni as well as faculty and staff to use this site as a start page for e-commerce transactions, as this has the potential to bring substantial royalty revenues. The Alumni Association plans to use funds raised in this way to help bond the University Center and other renovation projects as well as to support other Association activities. We also discussed plans for renovation of the President's House with Mr. Melton and hope to raise this issue in our next meeting with President D'Alemberte.

On February 7, the Steering Committee met with Jack Taylor, Chair of the Faculty Evaluation of Teaching Effectiveness Committee for further consideration of that committee's recommendations. This item is on today's Senate agenda. The Steering Committee is also considering the formation of a new standing committee or other means to ensure ongoing faculty oversight of and assistance with teaching effectiveness and evaluation.

Our next meeting included a presentation on the **Employee Assistance Program** by the director of that program, Bruce Prevat. In addition to updating the Steering Committee on the various facets of this program, Mr. Prevat wanted to be sure that the faculty feels the program is meeting their needs. We plan to invite Mr. Prevat to speak to the Senate at an upcoming meeting to increase faculty awareness of the services this program provides.

The Steering Committee has also continued to consider the report of the **Task Force on Liberal Studies and the Future** and now plans to bring this report to the Senate at our March meeting. And we have of course discussed the recommendations regarding **Promotion and Tenure meeting procedures** that will be taken up later in today's meeting.

Finally, we are now beginning to consider committee appointments for the 2000-2001 academic year. We invite all that are currently serving on Senate Committee to let Janis Sass or Senate President Robley Light know whether they would like to be reappointed. And we encourage all that are interested to volunteer to serve on Senate committees, again by notifying those same individuals.

V. **Special Order: Discussion of Promotion and Tenure Meetings and the Sunshine Law, R. Light and F. Standley**

The chair ruled that the Senate would have an informal consideration of the issue with a 20-minute limit.

Senator Standley began today's discussion by explaining that this item is a result of questions brought up in a fall Senate meeting. The Steering Committee has made no collective position on the issue of open meetings, but rather each member may express his/her opinion. The issues are outlined in a memorandum, copied below, from Meredith Charbula, Office of the General Counsel, which was sent to Senators earlier this week.

MEMORANDUM

FOR: Steve Edwards

FROM: Meredith Charbula

RE: Tenure Meeting and the Sunshine Law

ISSUE: Should the faculty determine to hold promotion and tenure meetings which will be required to be held in the "sunshine" pursuant to Florida's Open Meetings Laws, what information may be discussed in order to comply with Section 240.253, Florida Statutes?

ANSWER: There are three statutes that impact this issue. The first is Florida's Public Records Law. Section 119.07(1), Florida Statutes makes all records created and maintained by state agencies, unless specifically exempted by law, available for public inspection and copying. The second statute is Florida's Open Meetings Law found at Section 286.011, Florida Statutes. This statute requires any meeting of a state agency board or commission (these two terms are broadly interpreted), at which official acts are to be taken, to be open to the public. It also requires that reasonable notice of the meeting must be provided. The Office of the General Counsel has already opined that Promotion and Tenure Committee are boards and committees within the purview of Florida's Open Meetings Law. The third statute is Section 240.253, Florida Statutes. This statute makes certain evaluative materials confidential and exempt from disclosure to the public and restricts the release of those records, or information from them, to the employee or officials of the University with a "need to know".

In our opinion, if promotion and tenure meetings are held, any vote taken on the faculty member's file must be done during the open meeting. Additionally, while those votes may be recorded on a written ballot, the vote must be made during the meeting and the ballots must be made available for public inspection. All members must vote and no one may abstain unless there is, or appears to be, a conflict of interest pursuant to Chapter 112, Florida Statutes.

Not all of the documents maintained in the tenure folder may be discussed during the meeting. This is so because Section 240.253, Florida Statutes makes certain documents open only to the employee or those officials at the University responsible for the supervision of the employee (including, in my opinion, those faculty members part of the tenure and promotion process). These documents considered "evaluative materials" are confidential and exempt from the provisions of Section 119.07(1), Florida Statutes (Florida's Public Records Law"). State agencies that are custodians of records made confidential under the statute are obligated to maintain the confidentiality of those records and may not release them (or information from them) except as specifically authorized by law.

It may seem intuitive that if the purpose of a meeting includes the discussion of records confidential and exempt from public disclosure, the law cannot require that this meeting be held in the "sunshine". This is not the case, however. Section 119.07(5) notes that an exemption from Section 119.07, F.S. does not imply an exemption from or exception to Florida's Open Meetings Law and that any exception or exemption to Florida's Open Meetings Law must be expressly provided. There is no statutory exemption from Florida's Open Meetings Law for promotion and tenure meetings.

Traditionally, the University has treated all materials in the promotion and tenure binder as information reflecting academic evaluations (evaluative material) of the affected faculty member. As such, these materials were considered confidential and exempt from public disclosure. This was so even though some of the materials would certainly be considered public records outside the promotion and tenure binders. If tenure and promotion committee meetings are held in the "sunshine" then this practice may not be continued. This is so, of course, because if ALL material in the binder is made confidential and exempt, no discussion could take place and the purpose of the meeting, to have a full and meaningful discussion of the candidate's qualifications for promotion and tenure, would be defeated.

In my view, only those documents or materials (or information from them) that would not ordinarily be confidential and exempt, outside the promotion and tenure binders, may be discussed at any open meeting of a promotion and tenure committee. While the Dean of the Faculties and Provost are in the best position to determine which records constitute academic evaluations, it is my view the following information could be openly discussed during a meeting of the promotion and tenure committee:

(a) CVs or Resumes.

(b) Published Articles, Papers, or Abstracts (including committee members own evaluations of their merit or importance to the Academy).

(c) Assignment responsibilities (including percentage of efforts) and courses taught.

(d) Common Core items of the SUSSAI (which are specifically made public by Section 240.253, Florida Statutes).

(e) Objective evidence of service (committee work, student activities, activity in professional groups, advisory service to community, civic, governmental, religious, or social groups, etc).

The authority granted the University by Section 240.253, F.S., to prescribe records that is limited-access and therefore confidential and exempt is very limited. Records containing information reflecting academic evaluations of employee performance are confidential and exempt from public disclosure. The University may designate which records it considers "academic evaluations" but these designations are subject to judicial review and will likely be narrowly construed.

Other materials are, in my view, clearly academic evaluations of employee performance and cannot be discussed in an open meeting. Such materials include annual evaluations and student comments on SS forms. In my view, materials such as the Dean/Chairs' evaluation letters and solicited outside letters evaluating a candidate's scholarship and/or candidacy for promotion and tenure also constitute academic evaluations of employee performance.

Some other materials contained in the binder may, in my opinion, be determined by the University NOT to constitute academic evaluations of employee performance. This action would allow discussion of these materials, and any information from them, at an open promotion and tenure meeting. These would include the candidate's own statement of evidence and unsolicited signed letters placed in the file and referred to in the candidate's statement of evidence. Because the University treats these materials now as evaluative (and is within their lawful authority to do so), these materials may not be discussed in an open meeting unless or until the University amends its current policy and practice regarding these particular materials.

I am available to discuss this memorandum with any member involved in the promotion/tenure process. I may be reached at 644 4408.

Senator Clifford Madsen offered the following comments:

To: Faculty Colleagues
From: Cliff Madsen
Re: Open meetings

"Why I think that there should not be public discussion and public voting concerning promotion and tenure:

I have served as Chair of the School of Music P&T Committee and, therefore, perennial member of the University P&T Committee continuously since 1971 with a one-year hiatus, during which time I served on a President Selection Committee. I have read many, many folders and I have heard many discussions. While I have felt that a few of these discussions have influenced votes toward more positive or negative decisions, I do not think that these discussions contributed to the overall quality of the decision making process. I should state that the School of Music P&T Committee does not discuss candidates and this works very well for us.

During my long tenure at FSU the history of promotion and tenure has moved from closed discussions that in some cases did not even require that a vita be advanced, to a highly formalized process necessitating the preparation of a very complete folder. (I remember many years ago an older colleague told me in the hall one day that I needed to get my vita together because a "committee" had recommended that I be promoted to associate professor. I did not know that I was being considered for anything and I certainly did not know there was a "committee"—neither did anyone else).

Over the years the University Committee has continued to revise, modify and fine tune" the P&T process such that current folders are very detailed and specific. I distinctly remember a folder many years ago where a letter to the Tallahassee Democrat was masquerading as a "publication."

For some time all folders have included a complete vita and detailed evidence of teaching, research/scholarly activity and service. Folders also include statements from the candidates. Additionally, they include letters of evaluation from appropriate administrators as well as outside evaluation letters that must follow very specific rules. Thus, from my perspective, folders presently include all information that is pertinent and/or necessary for evaluation.

There are many questions concerning an individual's folder that are appropriate. Some questions concern the "culture" of the area and/or standing of specific journals in the field. These are extremely important questions. However, the appropriate administrator anticipating such questions can and should answer most of them—within the folder. Indeed. The entire process of recent years is forcing more and more attention to the folder. I believe that this is appropriate.

I also believe that there should be "independence in voting." While each folder should include many aspects of evaluation, individual voting

should be independent. If the decision were mine, I would not include any of the previous votes from other committees to be viewed by subsequent evaluators. In this manner each committee evaluator would give an independent review of each folder and all of the independent votes would provide the President and Provost with independent recommendations. I find the possibility of lower committee votes influencing subsequent committee votes very troublesome. And I can think of no reason for wanting to know these votes except that the preceding votes could, indeed, influence subsequent voting throughout the process.

Most of the discussions that I have heard involved questions concerning past negative votes such as "What were the reasons for the split vote at the departmental level." Thereafter, a person closest to the area (oftentimes there is no one from the involved department) attempts to remember or to speculate on preceding votes. For example, a typical response might be "Well, as I remember it, most of the previous discussion concerned the teaching." Or, "It seems that there were problems regarding research productivity." And while the University Committee has long sought to eliminate advocacy and/or detracting from a candidate, both still can creep into the discussion, as can be attested to by anyone who has served on this committee when there were discussions.

I have other reasons that I do not favor open discussions. Not only would such meetings need to be advertised, anyone could come—family, friends, the media, a person's attorney. Imagine for a moment not the easy positive cases, but cases concerning individuals who had a close vote at the departmental or upper levels. Or imagine the folders that come for appeal already having received previous negative votes. What questions would (or should) be asked in such a public forum? It seems to me that any questions would be so pedestrian as to be needless, or specific enough to develop any number of other problems.

I also think that after a certain time period such meetings would take on a 'life of their own' to the detriment of all concerned. At one time we had such drama—it was not pretty.

The daunting task of going through folders is punishing enough; with public voting what would happen if the process culminated in humiliation to a candidate or subsequent law suits to the committee members involved?

For these reasons I think that our current practice of individual assessment should be maintained. Whatever would be gained from open meetings, would surely be offset by additional problems".

Senators should return to their respective areas and discuss the promotion and tenure issues brought to the meeting today and be prepared to make a straw vote on the options at the March Senate meeting. This vote will be forwarded to the President for his consideration.

The Senate continued its discussion of open vs. closed meetings until 4:25. At this time the Senate returned to its formal meeting.

VI. Reports of Standing Committees

a. Undergraduate Policy Committee, M. Young

The Undergraduate Policy Committee has approved the following:

Computer Skills Competency
COP 2000 - Computer Science I
CGS 3408- Cprogramming for Non Specialists

Oral Communication Competency
GEB 3213- Business Communications

Request from the School of Theatre to drop the Gordon Rule requirement from THE 3061, Introduction to London Theatre.

Request from Mathematics to remove MGF 1106 from the Block Exam schedule.

We bring to the Senate for approval a request from the School of Theatre to change the wording on page 72 of the Florida State University General Bulletin to add "theatre" to the list of accepted areas for humanities for the BA degree. Senator Young reminded Senators that previously 'Theatre' was included and when Theatre separated from Speech, to become an independent school, the oversight took place. After some discussion the Senate approved this request.

However, the Senate has asked the UPC to review the question of acceptable courses under each of the areas listed. The UPC will try to bring a recommendation to the Senate by the March meeting.

The UPC reminded the Senate that their meetings for the remainder of the semester is held at 3:30 in 201 Westcott on February 23, March 22, and April 12.

b. Ad Hoc Committee on Faculty Evaluations, J. Taylor

Due to the lateness of the time, the Senate deferred this item until the March 15 meeting.

VII. Unfinished Business

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

VIII. New Business

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

IX. University Welfare

There were no items of University Welfare for today's meeting.

X. Announcements of Deans and other administrative officers
a. Dave Hart, Athletic Director

Mr. Hart gave a brief overview of academic standings for FSU athletes. The news is good. Students' GPA's are on the rise, graduation rates are up and the number of students making the dean's list has increased. One particularly positive point is the rise in GPA's of our basketball players since Coach Robinson's arrival.

Mr. Hart announced that the FSU football team shared an ESPY award with the University of Tennessee's women's basketball team as the "Team of the Decade."

XI. Announcement of the Provost

The Provost was not available for today's meeting.

XII. Announcement of the President

President D'Alemberte was not available for today's meeting.

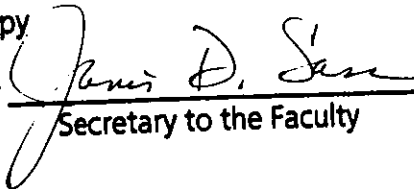
XIII. Adjournment

The meeting adjourned at 4:55 p.m.



Janis D. Sass
Secretary to the Faculty

Certified as a corrected and official
copy

by 
Secretary to the Faculty