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VERBATIM TRANSCRIPT

EMERGENCY MEETING OF THE
FACULTY SENATE

January 9, 2002
3:05 - 5:15 p.m.
Westside Conference Center - A, B, C
Louis de la Parte Florida Mental Health Institute
University of South Florida
Tampa, Florida

Professor Gregory Paveza
Faculty Senate President
Presiding Officer
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- A couple of procedural issues before we begin.
- First of all, with the indulgence of the Senate the President is going to hold his remarks until the beginning of debates, in order to insure that it’s understood that my remarks are my remarks and not those of the Senate. However, before moving on with the agenda I do have some brief parliamentary notes. Given the turnout for this meeting it is my intention at this point, other than for Professor Al-Arian himself who will speak to the Senate by phone connection, to only permit members of the Senate to speak.
- Two, all votes today will be taken by rising vote. I remind visitors that they need to respect the Senate by not attempting to influence the vote by trying to vote. (Laughter). For this reason, Senators have been handed yellow cards, which you should all have. To ensure that only valid votes are counted.
- Third, I will insist that proper respect be shown to all speakers.
- Fourth, I would remind members of the Senate to address their comments to the chair not to each other.
- Fifth, I ask that comments address the motion or resolution on the floor and not be extraneous to it. And I will rule out of order any speaker whose comments are not on point.
- Sixth, given that many of you will want to speak on an issue, it is my intention to recognize the speaker only once on any particular motion or resolution until it is clear to me that all who wish to speak have had the opportunity to do so.
- Seventh, it is my intention to alternate speakers for and against any motion. And I would ask members when seeking the floor to identify whether they intend to rise to speak for or against the motion.
- Finally, I would ask that you listen to the members who are speaking so if that the points you wanted to make are made by another member that you consider not seeking the floor simply to repeat what has already been argued.
- With these rules before you then, I am now going to turn over the podium to President Genshaft then to be followed by Provost Stamps, then by Dr. Al-Arian via telephone link and then to Senator Dorn. After that we will begin the debate. President Genshaft.

REMARKS BY PRESIDENT JUDY GENSHAFT
- Thank you. I appreciate your calling this meeting. It is a very, very, very important meeting and I also am appreciative of all of your attendance. Let me first start out and say that this is the most serious and difficult situation that we are facing. I too am a faculty member and have been a faculty member for twenty-five years. I was a student at the University of Wisconsin during the Vietnam War Era and during that time witnessed a building blown up and people killed. I’ve witnessed, coming out of an art history class, being tear-gassed and later pepper-gassed activities on the University of Wisconsin where ever so great. And I also attended Kent State University during the times that the shootings occurred. So troubled times are not new to me and being on a campus with a
lot of activity is not new to me. But I can tell you that this situation that we have today, to me, is the most serious of all. When I was at Ohio State I was a part of the University Senate for fifteen out of my sixteen years there. And I was also privileged to be the chair of the Senate, which is the largest Senate, one of the large Senates of one of the largest universities in the country. So the kinds of issues that you have in front of you, I can appreciate as both a faculty member, a Senate member and now an administrator. I can also say that I applaud Greg and the work that he has done here in bringing us together to discuss this issue. Many people view this as something that has to do with academic freedom. And academic freedom is at the core of the University. Academic freedom and tenure are part of the University. It’s the bible of the University and I hold those dear. I understand that academic freedom is about the insulation of professors and their institution for political interference. I understand that academic freedom is one that holds diverse notions and unconventional behavior that deserves special attention near and dear to any professor and any institution. And I understand that academic freedom permits unusually creative people to lead unusually creative lives. But also with academic freedom comes academic duty. And academic duty is the counter part. It’s a set of obligations that professors owe to others. To their students that they teach, to the scholars that they train, to their colleagues, to their institutions with which they are affiliated and to the larger society. And we talk about academic freedom and we talk about academic duty and I can tell you that these are very very important to me as is tenure. This case that we have in front of us is a very unique case. And it is a case that I believe does not involve academic freedom. It is a case that involves the Collective Bargaining Agreement that was bargained in 2001 to 2003. And the situation that we are talking about today is on page thirty-four of that Collective Bargaining Agreement, which says, that disciplinary action under sixteen point one under just cause can be taken when an employees activities which fall outside the scope of employment, shall constitute misconduct if such activities adversely affect the legitimate interest of the University or the Board of Regents.” when this was put together, “The employees activities which fall outside the scope of employment that constitutes misconduct if such activities adversely affect the legitimate interest of the University or the Board.” And what I want to talk about is that the case of Dr. Sami Al-Arian has been a case for a long long time with this University. His associations and his behavior has dated back over a decade. When he came to this campus and this campus has been very open and very, as it should be to all faculty, to the creation of his WISE Institute and later found out that the WISE Institute that the University thought was to set up in part for furthering understanding and education of Islamic teaching may have been a front for alleged terrorist activity. And at that point the University cut the ties with that Institute and at that point the University pulled back and said this is the time when the FBI was investigating, that Dr. Al-Arian needed to go on leave with pay until those investigations are done. The University has always been tolerant and has always respected Dr. Al-Arian and I know that this has hurt the University in the sense that during the time of the 1995, 96, 97, 98, people all throughout America knew about University of South Florida and possible alleged terrorist ties at that time. I heard about it when I was at SUNY. I know others have heard about it. But nevertheless, we continue. And despite grave hardships we’ve always respected his right and his right of association. But then we hit September 11th and our world has changed a great deal. Because on September 11th is the first time this country
has ever been at war on American soil and the context is very very important. So when
Al-Arian, Dr. Al-Arian comes back and through his behavior, we have at this University,
tremendous disruptions. We have death threats. We have a situation where phone calls
and emails are paralyzing staff. We have a computer science departmental office closed.
We have a person asking for transfer out of the computer science department. The work
load of faculty members that have to teach his students are pressed upon. We have
faculty recruitment decisions that have to be delayed. And we have an ever-increasing
level of security and fears of “what is happening at this University?” And with all that,
we had people speak to Dr. Al-Arian and say to him, “Please, when you’re making these
outside, when you’re conducting yourself in an outside context, please identify yourself
as an individual, not speaking on behalf of the University.” That is not an unusual
situation. We ask any of you, all of us, when we’re soliciting funds for an outside charity
for example, please, don’t use the University of South Florida stationery. We’ve had a
situation where a professor had some kind of episode and was writing to the President of
the United States and writing to other people and the Governor and myself and others,
claiming that we had all killed her mother. And we said, “Please, don’t write this on the
University of South Florida paper.” I mean there are some disclaimers that are very very
important. This is a very unique situation. We have dealt with parents who are calling,
who are emailing, fearful of the safety of their students on this campus. And with that,
we have also heard from agencies, funding agencies, who are wondering if this is the
right University to send funds to, through the grants that you all write. The kind of
explaining that we have had to do is unbelievable. But even so, we’ve moved ahead and
we’ve moved ahead thinking that Dr. Al-Arian’s behavior would be modified so that he
could return the following semester, this semester that we’re in now. But no, repeated
behaviors continue and we’ve had repeated disruptions on this campus. And I can tell
you as the President that it’s the President’s responsibility to protect academic integrity.
But it’s also the president’s responsibility to ensure the safety of the students, the faculty,
the staff, the visitors. When we talk about ensuring safety on this campus, we’re talking
about almost forty thousand people. And it is my responsibility to ensure the safety so
that we can have the kinds of discussions that we’re having today. We can have any kind
of controversial discussions that we want. But when the safety of this campus is
jeopardized, that is of utmost concern. And I as the president will not wait for someone
to be harmed or killed before I take action. I as the president am very concerned about
this campus and its future. And in my mind, the kind of disruption through repeated
repeated behaviors that have caused repercussions and consequences to this campus, then
a decision has to be made. And I can tell you that this was a gut wrenching decision. It
is not easy to take a leadership role at this time. As many people have reminded me
through their emails and letters, this was a no win situation. But it’s very important to me
that this University, a university I truly care about, move forward, in a direction that is a
positive direction; one that ensures safety for everybody. One that ensures the freedoms
so that all of us can learn and discuss any kind of matters at any time. We have staff who
have written to me and said quote, “Thanks for taking care of Professor Dr. Al-Arian
situation. I have been in engineering for nineteen years and was really considering
retiring early because I felt so unsafe here.” This is only a sample of the kind of fear that
people feel on this campus. And to me, the amount of time and resources that we have
spent in the President’s Office, in the Provosts Office, in Student Affairs, in
Advancement, in Alumni Affairs has been extraordinary. The disruption of this campus has truly been realized and you must ask, how much disruption must a university take over how many years over repeated behaviors before somebody has to make a decision that is a very controversial one? How much disruption must this University take? To me this has been a very very very trying time. But I will leave you with this quote from John Gardener and that is, “With liberty there is duty. With freedom there’s responsibility.” I believe the University has given Dr. Sami Al-Arian liberty and freedom and he has not followed up with his duty and responsibility to this institution and to his colleagues. Therefore, I believe I have made the right decision to send this letter on behalf of the Provost and myself a letter of intent to terminate. It was not easy but it’s the right decision.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
•   Thank you Madam President. Provost Stamps

REMARKS BY PROVOST DAVID STAMPS
•   First I would like to thank Greg for the opportunity to say a few words this afternoon. These are very trying times for all of us. The decision to issue an intent to terminate is not one that is easy for any of us. The termination of a tenured faculty member is one of the most difficult decisions that one can make. And is very highly unusual. One that challenges the very principles for which we all strive for. I can assure you that we hold dearly the tenets of academic freedom and free speech. As you, the Faculty Senate, engage in a discussion this afternoon, I would ask that each of you give serious consideration to the following:

The intended action on the part of the University administration has to be looked at within the context of September the 11th. To make comparisons between the ramifications of September the 11th and other historical events presents a very difficult proposition. As Provost, I listen when deans and chairs present situations within their colleges and departments that threaten the safety of faculty, staff and students, and that disrupt the formally and effective functioning of the unity. Dean Martin Begger of the College of Engineering, after consulting with the chair and the associate chair of computer science and computer engineering, presented a very compelling case. He also discussed the national implications in terms of federal funding and recruitment. Of course I was aware of the disruption within the administration as we attempted to respond to the potency of daily emails and telephone calls from parents and others. We have taken no action against Dr. Al-Arian for anything that he has done in his teaching, research, university service or any other area of his university responsibilities. Those areas protected by Article V of the Collective Bargaining Agreement dealing with academic freedom. The intent of disciplinary action is based on the following:

By Dr. Al-Arian’s failure to issue disclaimers that his views are solely his own and that he does not speak as a representative of USF, he has violated the provision of Article V dealing with academic responsibility of the Collective Bargaining Agreement, as well as disregarded the specific directives of the University and thus make it impossible for the University to remain silent of his public pronouncements.
By continuing to place his personal interest in conflict with the public interest of the University, he has violated the provisions of Article XIX of the Collective Bargaining Agreement and compromised the well being of the University. By continuing to engage in this conflict of interest, he has interfered with orderly operation of the University and made it impossible for the University to provide an acceptable level of safety and protection for its faculty, staff and students.

While Dr. Al-Arian may be, and by all evidence is, speaking about issues that are dear to him, he is doing so in a manner that is detrimental to the University that employs him. The decision to inform Dr. Al-Arian of the University’s intention to terminate his employment was incredibly difficult and done after many many hours of deliberation. At this point we have not received a response to our notice of intent. Working with Dr. Weatherford and the union, he was given an extension, which was only right. Only after, only after his response has been received and due deliberation is given to the contents will a final decision be made. The provision of the notice of intent began the due process. The provision of the notice of intent began the due process of which so many have spoken about. If the University makes a final decision to terminate Dr. Al-Arian’s employment, he has a recourse under the grievance process of the Collective Bargaining Agreement or through a state of Florida administrative judge or through a state or federal court.

In closing, maybe now is the time for the Faculty Senate to look closely at the Collective Bargaining Agreement and AAUP guidelines. Concern has been expressed about faculty input into the process. Maybe in the extremely rare cases when consideration is being given to the termination of a tenured faculty member, a committee of faculty peers should become a formal part of the process. For AAUP guidelines suggest that such a value be constituted, the Collective Bargaining Agreement does not.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you Provost Stamps.
- Dr. Al-Arian can you hear me?

REMARKS BY PROFESSOR DR. SAMI AL-ARIAN
- I can hear you.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Ok, if you’ll go ahead.

REMARKS BY PROFESSOR DR. SAMI AL-ARIAN
- Can you hear me all right?

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Can everybody hear?
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
• Go ahead.

REMARKS BY PROFESSOR DR. SAMI AL-ARIAN
• Senate President Dr. Paveza, Madam President Dr. Genshaft, Mr. Provost Dr. Stamps, Senators, colleagues, students, ladies and gentlemen, good afternoon.
• My (inaudible) in attendance, I am willing to answer any questions by the Senators and I would like the Chair to recognize them at that point. Mr. President, my name is Sami Al-Arian; for almost twenty-four years of which I’ve lived in the United States for the last twenty-seven years. Been married for over twenty-two years. My wife Nada and I are proud over five children. Abdullah is a senior at Duke University, Thalia is a junior at Georgetown University, Deana is a senior in high school, Ari is in sixth grade and Dama is in third. It is no secret that this ordeal has been tough and stressful on my family physically, psychologically and economically.
• In less than two weeks I will complete my sixteenth year at the University of South Florida, an institution that I respect and proud to be a part of. During all these years my record shows I have always conducted myself professionally. I love the teaching profession, have always enjoyed the challenges of the classroom. I received the Best Teacher award as well as the prestigious TIP Award in Teaching in the College of Engineering. I have over forty publications, including a chapter, the project appeared in the Medtronic’s Tampa published two weeks ago. I’m addressing you this afternoon via telephone hookup because I’ve been banned from campus. I’m told that I can’t be on campus because some people over a hundred days ago decided to threaten me and disrupt the University after my appearance on a Fox News program. I was invited on that program not because I was a USF faculty member but because I was considered the leader, in the American-Muslim community, as well as a civil rights activist. Between September 11th and 26th, I participated in many ecumenical services and multi-cultural activities hoping to foster better understanding and more cooperation between the American-Muslim community and community at large. I was led to believe by the Fox producers that my appearance on that program was to help deepen that understanding. Frankly I was reluctant to appear. And I should have followed my mother’s advice and that is to always follow my instincts. But I thought that my concern for the public backlash against the American-Muslim and other communities and a normal tic for the September 11th tragedy, should take precedence over my apprehension. I am sorry to say that the focus of the program was not as it was represented to me when I agreed to appear.
• Mr. President, what happened after the program aired was an orchestrated campaign against me and the University to undermine the function of a public institution through mostly irrational behavior. I was told that it was in the best interest of the University to be on paid leave. I was very concerned about my students but I complied. I was told that I was not under any investigation, but rather those who are disrupting the (inaudible) were. I am not insubordinate person. If it was clear that I was not to come to campus I would have gladly complied. It was not clear. I came to campus on October the 5th, not
to defy the administration, but to address the campus students’ organization that I am advisor of. If I had thought that I was banned from coming to campus I certainly would not have attended. When I received the Provost’s letter on October the 8th asking me not to come to campus, I responded the next day that despite the hardship I would comply. For the first time in sixteen years I have not been on campus for over three months. To be absolutely clear, and remove every shred of a doubt, I do not nor have I ever spoken on behalf of the University of South Florida. I have on many occasions made it clear to journalists and reporters that I speak as a leader in the Muslim and Arab community. And in my capacity, as the President of the National Coalition to Protect Political Freedom, the coalition, of over forty organizations, coming together to defend freedom and constitutional rights. This summer on July 16th in an article in Newsweek magazine about the support of Arab-Americans for President Bush, the article said, and I quote, “Al-Arian is one of the country’s leading advocates for repeal of secret evidence laws.” End quote. I was not identified as a USF professor but as the country’s leading advocate in the civil rights issue.

- Mr. President, during my career, I’ve never brought any politics to the classroom, my department or the University. I am not disrupting the University nor am I responsible for the actions of others. I don’t have any control over other people’s actions that could be illegal, irrational or disruptive. It’s no secret that I have exercised my first amendment rights in speaking on issues of importance to me and to the public at large. I have not, however, (based) my personal interest about my responsibility to the University. I am very surprised to hear today President Genshaft referring to WISE as a possible front. I’d like to remind the Senators that the investigation led by Attorney William Reece Smith, Jr. by this University he was commissioned for four months. He gave a report that basically praised the work of WISE. On October 27, 2000, a United States judge, after looking at all the allegations about WISE came with this ruling on page forty-eight, I quote, “Although there were allegations that the ICT and WISE were fronts for Palestinian political causes, there is no evidence.” It didn’t say some evidence, little evidence, not so convincing evidence, he said, “There is no evidence” before the court that demonstrates that either organization was a front. To the contrary, there is evidence in the records to support the conclusion that WISE was a reputable and scholarly research center and ICT was highly regarded.

- Mr. President, during my sophomore year in 1976 I was eighteen when I took my first scholarly course. On the first day of class the professor talked about the two D’s, as he called it. Due process and dissent. Ironically, quarter of a century later these two important concepts are at the center of my professional career. With all due respect, I don’t think that I was afforded any due process. The decision to terminate a tenured professor is indeed a serious one. The case before the Senate this afternoon is indeed about academic freedom and freedom of speech. I did not choose to be the poster child for the debate about academic freedom in the post-September 11th world. But now that I am, I’d like to remind you that all of us are being scrutinized, not just I. What you choose to do this afternoon is going reflect upon all of us, ladies and gentlemen of the Senate. We will refute the allegations against me categorically. But even if these choices were true, the tenured faculty of this University should be concerned. That the administration believes that it is justified in terminating the employment of sixteen-year tenured faculty member because he did not accompany off-campus remarks through the
disclaimer that he was not speaking on behalf of University. That the administration believes that it can fire a tenured faculty member because he attended a meeting on campus while on paid leave. That the administration believes it can fire a tenured faculty member because his public pronouncements conflict with the political views with those in power. If this action is allowed to stand, you should all be concerned about your job security and the professional compromises you may be required to make, to keep your jobs.

- Mr. President, next week, the nation will celebrate the legacy of Martin Luther King, Jr. Let’s remember what he said, “The time is always right to do what’s right.” Thank you very much.

[Applause]

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Can I have order in the gallery please? Order. Thank you.
- Professor Al-Arian, thank you. I want you to know that you’re gonna briefly be disconnected and then you will be reconnected. We just have to rearrange hooking a couple of other people into the conference phone. And I just want you to be aware.
- Senator Dorn.

REMARKS BY SENATOR DORN

- My apologies to those in the media that would like everything well lit. But sometimes PowerPoint does not, conflicts with the use of media and in this case the Faculty Senate room.
- When Dr. Paveza asked me the day after Christmas to present some information to the Faculty Senate on historical perspectives on academic freedom, I explicitly decided to avoid the parallels that I knew many would want to draw between this historic case and those in the past. In the newspaper articles that I have seen, I was concerned by some of the factual parallels. But with due respect Dr. Stamps I do think that historical perspectives are important in this case. What I tried to emphasize are the major themes and concerns that I think historians of education, of which I am one would raise about academic freedom.
- The questions that the Faculty Senate President asked me were two in nature. One was to put the firing of the tenured professor into some context. How unusual is it? Have there been formal consequences to universities who fire tenured professors and have there been other consequences? The second, more general task that he laid before me was to answer the question, are there other useful perspectives to be gained from the history of academic freedom and challenges to it? I took about a week to draft the response, circulated it, put them on my six fellow historians of education on campus and a couple off-campus who are specialists in history of higher education. Any errors of fact or interpretation are of course my own.
- First question, how unusual is the firing of tenured faculty? And by the way, anybody can access the memorandum that I sent to the Faculty Senate President. It is available on my web page if anyone wants to ask me after the meeting, that’s fine. All the faculty senators have had access to this memorandum.
- Patterns to faculty dismissals over the last century. At the end of the nineteenth and the turn of the twentieth century, about a dozen faculty and university presidents were
dismissed from well known generally universities, largely for their economic, social and political beliefs. During World War I, a number of faculty were dismissed generally for pacifism or for insufficient admiration for US involvement in the war. In the depression, financial problems reduced the faculty salaries, however, the salary reductions were the primary consequence of the depression. There actually is relatively. Is that for me? [Laughter] that when the AAUP did a survey of institutions in the late 1930’s, they found that the respondents did not show any decrease in the number of faculty, any dramatic changes in the courses the faculty (inaudible) and that while there was some evidence of reductions in tenure or problems, especially an increase in complaints related to tenured cases, it wasn’t nearly as dramatic as we might expect in the great depression.

After World War II, I think most of us are familiar with dismissals related to the McCarthy Era. Those related to direct political beliefs or actions, or those witnesses who even if they were not members of the communist party refused to name names, and refused on principle to cooperate with state or federal investigative committees because they thought it was not appropriate for that type of investigation of separate political activities to occur. Probably the most recent wave of faculty dismissals was in the nineteen-seventies from financial problems. Institutions like the State University of New York, Peabody College of Teachers when it merged with Vanderbilt, the City College of New York and some others dismissed dozens of faculty members claiming that they simply did not have the money to keep on the tenured faculty.

Next question was, are there formal consequences to the dismissal of tenured faculty? Probably the most well known has to do with censure that is occasionally imposed on institutional administrations by the American Association of University Professors. This is done by Committee A which is on academic freedom and academic tenure. Generally the investigations that are done in cases that Committee A feels are serious enough is that an appointed committee of two or three members of Committee A visits a campus, interviews anybody who wants to it to him about the case at hand. They are not restricted to the people who complain. They give the administrators plenty of opportunity to explain what happened. They look at more than the case at hand. Committees are usually allowed to investigate in general environment of academic freedom. These are reported in the AAUP journals. Used to be The Bulletin. Now Academe. If there is a censure vote, it is at an annual meeting done by the complete membership of the American Association of University Professors.

So the things you keep in mind: First of all, the AAUP standards are not the minimum legal standards that someone such as Mr. Gonzalez might describe. They are rather the higher professional standards of academia.

They focus on the 1940’s statement of principles on academic freedom and the case of faculty dismissals. Such statements as the 1958 statement on faculty dismissal proceedings.

In regards to dismissing a tenured faculty, the professional standards of the AAUP require both adequate cause and also due process which the AAUP guidelines state must include a hearing, a pre-termination hearing in front of peers.

Over the last decade, roughly fifty to sixty institutions have been on the censure list. Most of those are institutions that I don’t think we want to be compared to, such as Morgan State University, the Virginia Community College system. There are a few major universities and university systems like New York University at SUNY and
Yeshiva University and Brigham Young; those were probably the foremost well-known institutions on the censure list currently. A number of professions detach information about censure to job listings. For example, in my own profession, the American Historical Association and the HNF List on Humanities indicate by asterisk, attached to the name of any institution that is on the censure list.

- If an institution is censured there are usually two facets that an institution has to go through in order to remove censure. One is to resolve the individual cases that were the provocation for censure. And the other is to improve the academic policies and environment, including making sure that the faculty handbook is consistent with AAUP guidelines.
- Are there other consequences? There are a few consequences of violating the academic freedom and being perceived so in the past. First of all in the past, the controversy has been played out in print. In 1915 the Board of Trustees at the University of Pennsylvania terminated Scott Nearing, who was a professor then at its Wharton School. He happened to be a socialist and a pacifist. And that controversy was played out in print over the next year or more between small, not too well known, publications like the New York Times and The New Republic.
- Second, internal strife. Faculty members at the Wharton School at Penn were sufficiently upset that internally they raised enough money to pay his salary for the next year (inaudible). At Stanford University when Jane Stanford, the sole trustee, pressured the first president to the institution, David Starr Jordan, fired E.A. Ross for speeches he had made off-campus having to do with immigration and municipal ownership of railroads. And Starr forced his resignation and terminated him. One professor, historian George Howard, then criticized Jane Stanford and so she pushed Jordan to fire Howard, too. And then over the next year six faculty left.
- Third, there is often in these cases a continuing controversy over the role of trustees. In the cases the University of Pennsylvania the feeling by the faculty that the trustees had miss-served faculty governance. In the case of Stanford, Jane Stanford was so upset about the controversy and scandal surrounding the dismissal of E.A. Ross that within three years she resigned as a trustee and it changed over into a corporate board./trustee situation.
- Finally, there has been, in terms of institutional consequences, the loss of national prestige and authority. Two years after the creation of the University of Chicago, the institution fired Edward Bemis in 1895. That was such a nasty scandal because people accused the University, therefore, of the feat of having fired him specifically for his political anti-monopolist beliefs, that it stained the University of Chicago reputation for years to come. And it wasn’t until Robert Hutchins became president that the reputation really resuscitated.
- Finally, Ellen Shrecker, the author of “No Ivory Tower” about the role of McCarthyism on campus, talks about what she thinks of as the moral consequence. “It is hard to escape the conclusion that the failure to protect academic freedom eroded the academy’s moral integrity in the McCarthy Era. Professors and administrators ignored the stated ideals of their calling and overrode the civil liberties of their colleagues and employees, in the service of such supposedly higher values as institutional loyalty and national security.”

The second large task that the Faculty Senate President asked me to take is to prove some general perspectives on academic freedom. I think the first one is that the most infamous
historical academic freedom violations involve off-campus activities, not issues on-campus. E.A. Ross fired for speeches in 1900. James McKeen-Cattell, someone who had been a thorn in the side of both administrators and faculty repeatedly, over many years, at Columbia, when he wrote a letter to members of Congress in 1917 opposing conscription, actually what he did was he said conscripts should be able to go to over Europe only voluntarily. He happened to do it with stationery that listed his Columbia University address. Actually it wasn’t Columbia letterhead, it was stuff that he had printed that had his New York address and that was sufficient for Columbia to fire him.

- The University of California, the Regents in 1950 asked that all faculty sign a loyalty oath. Not the generic one that all of us have signed with regard to uphold the state and federal laws, but ones specifically having to do with membership in the communist party. And a number of faculty, thirty-one to be exact, redressed the termination because they thought that was inappropriate and offensive to ask faculty.

- Second perspective. Many dismissed faculty in these cases have been called extremist or un-American. Angela Davis was fired in 1969 by the California Regents explicitly for being a member of the communist party. And then when the judge reinstated her, saying that that was an impermissible basis for firing her, the Regents then fired her the next year for off-campus speeches that they said were inflammatory.

- William Shaper was a German-American and he was fired by the University of Minnesota Regents during World War I, before US, the United States had become involved, he opposed US involvement. Once the United States became involved he stopped talking about it at all. There is no evidence that he countenanced or suggested that students should not follow the laws or that anybody shouldn’t follow the conscription laws. And yet because of his previous statements he was pulled suddenly into a Board of Regents meeting September 1917, grilled about his attitudes, called by one of the Regents, Pierce Butler, the Kaiser’s man, someone who had shamed the state of Minnesota for having lived off of public money of the state for all the time that he had been a faculty member. And he was summarily dismissed. Wasn’t until twenty-one years later that the University of Minnesota Regents apologized for that.

- Third perspective. Faculty have in the past occasionally acquiesced to violations to of academic freedom. It takes some perspective and courage, sometimes, for faculty to put aside their own ties to an institution to defend academic freedom. For a couple of reasons. First, sometimes targeted colleagues have been irascible, unpopular, foreign, prickly. Second, sometimes passions of the moment over-weigh the reason that would normally cause faculty to defend academic freedom and provide some distance, some perspective. Finally, sometimes frankly, faculty have been intimidated, as in the McCarthy era. Those dismissals, regardless of whether or not they are academic freedom cases or not, institutional leaders, universally will tell you they were necessary for the institution’s health. In the case of academic freedom cases, there are sometimes intense external pressures applied. Sometimes from patrons. Jane Stanford who threatened the money of Stanford University. Or with the Scott Nearing case at Penn, alumni, who called Nearing and contacted and insisted that Nearing was an inappropriate professor to keep on at Wharton University.

- In some cases, the pressure has been from politicians. We know that here in Florida from the Johns Committee, Charlie Johns. From 1956 through 1965, first looked for communists in the NAACP and when he couldn’t find them there he looked for
communists on the campuses of colleges and schools. And when he couldn’t find them, he looked for homosexuals on the state university system. And unfortunately, in University of Florida, in particular gave in to the Johns Committee.

- Sometimes the crisis mentality encourages parochialism. In the McCarthy era, Ellen Shrecker says, that institutional leaders too little explored the opportunities for leaders and faculty to actually resist the pressure to fire people. Robert Hutchins, in the early 1950’s, when there was a state investigative committee that wanted to find if there were communists on the University of Chicago campus, he said, “Get off campus. It’s not your business.” No university of Chicago professor was ever punished for refusing to cooperate with the Illinois investigating committee. And for those of you who may want to know, in all the McCarthy era, there was only one faculty member who was fired after standing up for a colleague. Sometimes institutional leaders have looked to relatively narrow institutional needs. Many of which are legitimate but need to be balanced against the ultimate need for academic freedom, which is the foundation of what we do at a university. Sometimes it’s a tension between national ambitions and what David Star-Jordan at Stanford called the one prime duty of saving the endowment at Stanford and elsewhere.

- There have been later regrets, not only at the University of Minnesota, but David Star-Jordan who was so scarred after first claiming that the firing of Ross was not an academic freedom case, for from it, to when he wrote his autobiography years later, twenty years later, he was so scarred that in his two volume autobiography he mentioned the Ross case in one page, never mentioned him by name and said the following, “I had a double duty, to shield the University from uninformed, unsympathetic criticism and to protect the reputation of the young professor. I failed in both efforts.” Other examples of regrets. The University of Pennsylvania Wharton Board of Trustees changed the policy after the Nearing case to take themselves out of faculty dismissals. Ellen Shrecker confirms that many of the faculty who were silent now feel that they should have defied McCarthyism more vigorously. A dozen institutions in the last decade or so have negotiated with AAUP to remove censuring in the late 1990’s. And despite accusations that the AAUP is a paper tiger, something about that censure and about those cases must have stirred the institutions’ to action. A number of institutions later apologized or paid reparations for the McCarthy Era dismissals.

- Now as an historian, I ask what will the later regrets tell us? Tells us a few things.
- First of all, there are intangible long-term harms to firing faculty in violation of academic freedom, things that you can’t necessarily see immediately, but that move these institutions to act even after decades in some cases.
- Second, the retrospective judgment of what is a violation of academic freedom does not depend on what those at the time say. The passions of the moment do not determine the ultimate judgment of what is academic freedom violation.
- Finally, policy changes are a crucial part of the institutional recovery. In almost every single case of regrets there were institutional policy changes to try to prevent recurrences. What, in summary do historians judge after the fact to be violations of academic freedom, ten, twenty, thirty years or more?
- First, dismissals that are again at least in part for one’s beliefs such as political activities of those fired during the McCarthy Era or those at the beginning of the century like those fired for pacifism in World War I.
Violations of common sense ideals of due process. Notice I don’t say legal ideals. Common sense ideals of due process that the standards of the profession uphold.

Third, dismissals resulting substantially from outside pressures that take away from faculty governance.

Fourth, intimidation of faculty intended or perceived and related to that actions that distort scholarship. A 1955 survey of academics showed that most of them were afraid of the political environment. Twenty-eight percent had changed their own activities in terms of scholarship or teaching as a result of McCarthy Era pressures. And twenty-five percent believed that if they were targeted for dismissal, their colleagues would not support them.

Finally, actions that tilt the balance of institutional control away from faculty governance. It is notable that with the exception of the McCarthy Era trials, almost every other case of academic freedom involves actions that bypass or ignore faculty concerns.

As an historian I think that history is important. There are no explicit facile comparisons. But if we as a faculty Senate can see things clearly, we should not wait twenty or thirty years to make a statement and to make a judgment count.

[Applause]

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

At the time that we engage in debate which is where we’re now turning, I’m going to have this microphone available. I’m going to ask senators to speak into the microphone so that everybody’s capable of hearing.

We now turn to the issue at hand, which is the debate and I want to thank everybody. I want to thank the President. I want to thank the Provost for their comments. I want to thank Professor Al-Arian for his comments. I want to thank Professor Dorn for his.

I want to begin with my comments and then we’ll turn the floor over to the rest of the Senate.

My dear colleagues, I come before you today with a troubled spirit. The Senate today will be discussing an issue of the greatest gravity. Few tenets are more sacred to the academy than those of academic freedom and tenure. Today we will discuss the decision by the University to remove tenure from a faculty member and then dismiss that faculty member. My spirit is troubled because based on the emails and phone calls I have received, I believe that the Senate is divided on how it views the actions of the administration in relation to Professor Al-Arian. My spirit is troubled because for the first time since taking office I find myself disagreeing with the actions of the Board but more importantly, with the actions of the President and the Provost. Two people whom I respect professionally and enjoy personally. Let me share with you my objections.

First, I’m troubled by the rationale used to arrive at this decision. The reason put forward at least in the written documents I have seen, including the transcript of the emergency Board Meeting of September 19, 2001, are in my belief, soft. As such, they obscure and muddle the lines between what is acceptable and unacceptable conduct in regards to academic freedom, particularly free speech and retaining tenure. I believe that if the reasons given for dismissing Professor Al-Arian make it impossible for faculty to know when they have crossed the line. Indeed, if my interpretation of the Board Meeting transcript is correct, particularly an interesting exchange between Senator Mack and Chairman Beard towards the end of the meeting, the decision really says that if a faculty
member causes disruption, whether it is for something we believe in or as in this case possibly for something that we don’t, that any faculty member would meet the same fate as Professor Al-Arian. If my interpretation is correct, what happens the next time a faculty member engages in controversial behavior that offends the Governor, alumni or the Board? Indeed, what happens if some of those parties find what I am saying today offensive or causes disruption to the University? Will the Board succumb to pressure to have me dismissed? And would I be dismissed? I know, or at least I assume the President will tell me that that would not be the case. But how can I know for sure? And even if I trust her, which I do by the way, how can I trust that the Board will not engage in the equivalent of the Nixon administration’s firing of the Archibald Cox, in which the Board continues to fire administrators until they arrive at the one who will carry out the deed. Once the line is crossed in the way it was crossed in this instance, it is impossible to know that one is protected, all the protestations to the contrary notwithstanding.

The second objection I have is the message or the potential message to the students that this firing delivers. As a child of college in the sixties, I am all too aware of the dismissals of those who protested the war in Vietnam. It seems to me that this firing sends a message to students that they too must be careful about what they say because if they say anything to offend the administration they can find themselves be expelled from the University. It is not a tremendous leap in logic, at least when one is very young, to believe that if the administration can fire a tenured faculty member how much more easily can it get rid of me, a mere student.

My final and greatest objection to this termination, however, is what I perceive as the lack of due process. I agree, I’ve been consummately aware of the fact that, in saying that that in reality the due process period does not start until, except with, or actually began with the notice of intent to dismiss and we’re just at the front end of the due process period. Mr. Gonzales’ legal opinion concerning the Collective Bargaining Agreement and the right of the University to fire Professor Al-Arian, notwithstanding, there are broader issues, ethical issues here, which are reflected in the American Association of University Professors Principles On Academic Freedom and Tenure and its document related to the discipline of faculty, particularly their termination. Those documents make it clear that the decision to remove tenure from faculty member should come from the faculty after charges have been brought by the administration, and both sides, the party who is being disciplined and the administration, have had the opportunity to present evidence. Unfortunately, this dismissal does not follow that particular recommendation. Thus, at least in its current form, I must object to this termination. With these objective standards, what are some of the actions that this body I believe needs to take?

First, I believe that the Senate should call upon the President of the Senate, the President of the United Faculty of Florida and the President of the University to determine whether an ad hoc disciplinary panel of faculty can be constitituted to hear the charges against Professor Al-Arian that does not violate or abrogate his rights under the Collective Bargaining Agreement. It is time we as the faculty establish our rights to determine whether a colleague should be stripped of tenure and dismissed.

Second, and this is for informational purposes to the Senate, it is my intention to begin discussions with the President of the United Faculty of Florida and the Provost to determine whether it is possible within the boundaries of the Collective Bargaining
Agreement to establish a standing committee on academic freedom and tenure modeled after the standing committee on scientific misconduct. We can never again find ourselves in the position of not having the mechanism in place to exercise our right to be the principle determiners around what happens around academic freedom and tenure.

- Third, it is my intention to bring to the Senate Executive Committee for their consideration next week, and if they approve, it the full Senate at its regular meeting at the end of this month, a resolution calling for the Board of Trustees to adopt as part of its governing structure the AAUP’s Principles on Academic Freedom and Tenure in their entirety, with the specific method for their inclusion to be determined by University General Counsel.

- I believe the Boards’ commitment to academic freedom and tenure must go beyond the Collective Bargaining Agreement to a true statement of commitment to those principles which are incorporated into their governing structure. I’m sure that many of you will see these suggestions as not going far enough. Or of going too far. I believe however they attempt to respond to the actions taken that support the role of faculty in the governance of this University. Many of you will have other options for us to consider today and I look forward to hearing them and the debate to follow.

- In closing, I want assure all here today, you, my Senate colleagues, the President and the Provost and to the Board, that in spite of my opposition to this particular action for the reasons that I have stated, that I am dedicated as ever to working with all of you to move this University forward.

- Thank you my colleagues. The floor is open for debate. Senator Ness.

**REMARKS BY SENATOR NESS**

- I would like to introduce a resolution at this point in time. “We fully support the actions of the USF Board of Trustees and USF President Judy Genshaft in the dismissal of Dr. Sami Al-Arian. While we also fully support academic freedom, we understand that certain individual professional responsibilities are inherently attached to these freedoms. The dismissal of a tenured associate professor, is, and should be, a rare event. We fully understand that this was a most difficult decision to make.”

**REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)**

- We have a motion on the floor. The motion is as proposed, do I have a second.

**REMARKS BY SENATOR [UNIDENTIFIED]**

- Second

**REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)**

- I have a second.

- Senator Ness the floor is yours to deliver initial comments if you choose.

**REMARKS BY SENATOR NESS**

- I would pass the initial comments to Senator Mandell and Senator Kools.

**REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)**

- Well, one or the other…
REMARKS BY SENATOR NESS
- Senator Mandell.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Senator Mandell.
- If you’ll take the microphone please.

REMARKS BY SENATOR MANDELL
- I think we’re in a situation that’s like being between a rock and a hard place. And that is we have a tenured professor who is being dismissed. Tenure is a very sacred thing for academics and it should be. But there are bonds beyond which protection should not be extended. We’re talking about academic freedom and yet the dismissal was on the basis of the protection of the University. We’re a city. If you look at the size of this University, we’re a city. We’re not a small group of people. And a city must be protected so that its citizens are, feel free to come and go, to conduct their business without fear of threat, without fear of harm. I realize that we keep on reverting to the problem of academic freedom because what brought about the threats was a matter of speech. But we are not dealing with the speech, we’re dealing with the threats. And this posses a totally different set of problems. I understand that there is a tape of a program on I believe it was on ABC, I haven’t heard this program. But in it, there is speech that was resulted, on which the threats where resulted. And I think it might be worth our hearing this if it’s at all possible. I, myself, heard the O’Reilly program. In fact I listened to it twice that night. Because I was very very surprised and upset when I heard the first statement. The fact that people have responded with threats saddens me. But it doesn’t surprise me. Again, we’re really between a rock and a hard place. This is not easy for any of us. And whatever we decide upon today is not easy. I think that the President acted bravely because she understands the situation. It’s fraught with problems. No matter what she did.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you. Senator Tyson.

REMARKS BY SENATOR TYSON
- We’ve heard a great deal.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Nancy, will you take the microphone please?

REMARKS BY SENATOR TYSON
- We’ve heard a great deal about the theory issues involved in this case. And we’ve heard a lot of accusations also. I think this is a very intelligent group of people in this room and it’s a group of people that’s accustomed to not listen to vague accusations and generalities without questioning them, and also without hearing actual accounts behind those generalities. And I do have something factual that I think this body should hear.
- We’ve all heard about what happened the day after Dr. Al-Arian appeared on the O’Reilly Factor. We’ve all heard that there was a death threat called in to the computer
science department. And that as a result of that death threat the computer science
department was closed for the rest of that entire day. And that has been related in the
most melodramatic terms ever since that occurred. In fact we’ve heard it related today.

- What has not been told, ever, and this is a quote from the police report of that day’s
events, was that the original call came in at approximately one o’clock that afternoon. It
was taken by a receptionist in the computer science department. And then that
receptionist left, she’s a student assistant and had to go to class and about twenty minutes
thereafter the same gentleman called back and the secretary took the call and the
gentleman on the other end said, “I just called a minute ago and I was very upset. I was
out of line and said some things that I shouldn’t have said.” And he said, “I called and
threatened Dr. Al-Arian but I’m not going to come up there.” He said he didn’t mean to
tell the secretary his problems and he said he didn’t mean any harm or intend to frighten
anyone and the secretary said, “I said that I understood his anger, but that he did upset
our front desk person. He said that he was sorry and would I please tell her this. I said I
would. He ended the call with God bless.”

- So the gentleman called back twenty minutes later and said he was sorry and that he was
out of line and he got carried away. And we have not been told that. It’s in the same
police report that indicates that the death threat called. But this information has been
withheld by the administration. We’re told about the death threats, but we’re not told the
same gentleman called back twenty minutes later and retracted the death threat. And, I
believe that’s been deliberate withholding. In fact it shows that the administration is
intensifying the hysteria and contributing to the fear about security. So, there’s the
security issue and that’s where it’s coming from. That’s why I say that the security
reason for dismissing Al-Arian is a smoke screen and they’re dressing up the real reason
for dismissing Al-Arian. And I even brought copies of this police report for the press, I
brought them for the press.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Senator Becker.
- Order

REMARKS BY SENATOR BECKER
- I too am very concerned about this issue and I agree with Senator Mandell that we’re
between a rock and hard place. No one likes to make the decision to dismiss a tenured
faculty member. I’m tenured myself and I’d like to think that that’s a secure place. On
the other hand I think we do ourselves a disservice…

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- I ask the members of the press to please respect the other speakers please.
- Will the members of the press to please respect the other speakers.
- Thank you.

REMARKS BY SENATOR BECKER
- I think we do ourselves a disservice as faculty if we do not allow for reasonable
administrative decisions. I too am very concerned about the message that is sent to
students when we do not censure a faculty member. I have the tape here that Senator
Mandell was talking about. It’s very brief, if any of you want to see it after this meeting, it will be available so it can be shown as a part of this. I think it would be interesting. I think certainly our students are aware of these remarks made by Professor Al-Arian saying, “Death to Jews. Death to Americans” and talking about killing the (inaudible). I think that’s very troublesome language and I think it’s very difficult when we do not take action in the face of such behavior and send a message to students that faculty are protected by their tenure status to do anything they want in the name of academic freedom and somehow tenure is a job for life.

- I want to thank Professor Dorn for the wonderful historical review he gave to us. And I think that historical information tells us some other things that were not discussed. Namely that dismissal of a tenured faculty is indeed a very rare event. Given the large number of tenured faculty that existed over the historical time period that was discussed, we can see that it is not taken lightly and is done indeed very rarely.

- There are lots of universities that are now beginning to think about doing away with tenure entirely. And I think one reason they are thinking about that is because of the excesses by which tenure has been used in the name of academic freedom, we have not allowed reasonable management and reasonable administration. As a taxpayer of this state and, I think as mint taxpayers we are, I wonder about why in this time of scarce resources, when we are having to lay people off because of budget cuts and other things, we would say to faculty that we think we should maintain a faculty member who has spent fifteen percent of his time on paid leave, during which time he has been able to go out and pursue his academic freedom and his charitable and other pursuits at the taxpayers’ expense. I think at some point it’s been discussed about what are some of the common sense ideals. I think we have a responsibility for our students, to the taxpayers who fund our University to take a responsible management position and to support certainly academic freedom; but to have some notion of where the bounds of academic duty and responsibility to the taxpayer and to the students are. As teachers we are role models. What are we role modeling here as appropriate behavior of a faculty in a major university? This is not the kind of role model that I want to support in the faculty of this University. I have come here six years ago. I am very proud of this University. I am very happy to be a faculty member here. I do not condone and I do not want to hold up as reasonable behavior to be supported by payment and by continuation of faculty status the behavior that has been evidenced by this particular faculty member.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Senator Vanden

REMARKS BY SENATOR VANDEN

- Colleagues. This is a difficult time for all of us I know.
- I will speak without the electronic assistant. I think you can all hear me. Can you not?
- Issues of academic freedom, issues of freedom of speech, issues of tenure, issue of rights. Each issues of decency and indeed due process are never easy. And yes it’s very easy to go on record in the abstract. The decisions that define future, define lives, define principles are not done in the abstract. They are done in the concrete, nitty gritty and sometimes very difficult situations. The First World War was our great attempt to go overseas. It was hard for professors to resist it. Perhaps if more had, it would have been
a much better resolution to the war that would not have penalized Germany in such a way that Adolph Hitler could have arisen. Professor Al-Arian has said some things that are hard to hear. But let’s be clear that he was induced, conjoled and indeed baited to go on the O’Reilly Factor. He was there to speak of his faith and indeed to speak how those who have that faith would condemn the actions of September 11th. He had done this in our community. He had done it in my church. He had done it in an inter-faith gathering. And he had been very clear as to how they were evil-doers and evil had been perpetuated by them. And he cited from the Koran. He was set up. He was not allowed to express those views. Indeed if he had it would have been consistent with precisely what our Secretary of State was saying, which was, that we needed to show that there were American-Muslims who supported Arab-just war and that we were decent and tolerant with Muslims and other people in the Middle East. He was not able to do that. If he had, or if indeed a very suspicious demagogic unprofessional and frankly horrible host, one Bill O’Reilly. If he had chosen to use that appearance to make those principles which frankly have been much more patriotic than trying to (inaudible). If he had done that, we would be celebrating Professor Al-Arian as a hero. Unfortunately, he chose not to do that. He chose not to do that according to John Scrugg, former Editor of The Weekly Planet, because the same newspaper reporter who had created a lot of problems for the University had fed them information. So it’s a problem. Now we’re being asked to condone the firing of a tenured faculty member. And to do so would be countenancing what indeed was the equivalent of the Saturday night massacre and that is to convene a so-called emergency meeting of the Board on less than twenty-four hours notice. To really railroad the decision making process and to deliver a letter of intent to terminate Professor Al-Arian that very same day. To have done this after the formal semester was over, after the students were gone, after the grades were in, that hurt. President Paveza was in Illinois as was I, as were many of us. It was not above board, it was not decent, it was not ethical, it was not professional. And we’re asked to countenance this. I don’t think we should and we resist this resolution and pass another resolution it should be for those reasons alone. Thank you very much.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- We’re going to have to ask the gallery to remain silent.
- Senator Kools.

REMARKS BY THE SENATOR KOOLS

- I have the distinct honor of being part of this group. I get to watch this. I’ve been here for almost two years and I get to watch this from an outside perspective. It’s a pretty great privilege. Really. And I get to watch because I’m not paid by the school and I have no political ambitions or ties and so I get to be an observer. And, I’d like to focus on some facts instead of appeal to emotion. Because I think facts are important, especially when discussing scholarly activities, especially when you’re discussing things of the University. As such, the fact is, as far as I know, hate is not protected in academic freedom. If we condone this, what’s next? Who are we going to hate next? Who do I get to hate next? If we condone “death to Israel”. I’ve seen the tape. I’ve seen the Oracle. I’ve been following this very closely because I really like this University and I really like the things it stands for. This raised some eyebrows obviously. First heard
about it after Al-Arian’s showing on the network television show. It naturally peaked everyone’s interests. And, while I was looking into it, I noticed that I didn’t see anything there as we discussed this issue previously in Faculty Senate meetings that really was covered by this. Because hate, again, is not covered.

- And modeling behavior is really an important thing. And modeling behavior brings with it, for being a faculty member brings with it modeling behavior. And the key thing that I see as an outsider looking at this is one word. It really doesn’t boil down to tenure in my opinion. Because of the discussion I just had. It comes down to the word responsibility. Responsibility of two people primarily. Professor Al-Arian and his responsibility as a professional. A professional to follow suit with things that are right. To not spread hate and to be a professional teacher. And professionalism of the administration, which has the responsibility to do exactly what they’re paid to do. And that is run this University. Now during this discussion I’ve heard a bunch of things. One of things I’ve heard was that this was a political decision. Now I’ve been in the United States Army, for whom I am not speaking for right now. I’ve been in the United States Army for seventeen years. I’ve been in a lot of leadership positions. That’s a big organization. It’s just been downsized. There’s about 480,000 of those people, right now who wear this uniform that I wear. And the issue is this, you have two professional responsibility in what you do. And in that seventeen years I’ve met varying degrees of leadership roles. And if this, in my opinion, were a political solution, what we would have is, Dr. Al-Arian being under being under restriction because that’s an easy political solution. There’s not problem with that. We wouldn’t be having this meeting right now. We would not have this meeting probably if he was on unpaid leave if we just left him out there in wasteland. That would have been a really good political solution. It takes gumption and leadership to go against the politics of it and do what you knew was right when you gather the information, when you seek counsel, when you seek the law, when you research, you make an informed decision to the best of your ability. But that is what has been done in this case as far as I’m concerned. From an outside perspective. But I just wanted to share that. And, I support this resolution and I ask that you join us. Thank you.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Mr. Senator?

REMARKS BY SENATOR [UNIDENTIFIED]
- Can I call the question?

REMARKS BY SENATOR [UNIDENTIFIED]
- Aye

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- There is a motion on the floor to call the question. There is a motion on the floor to call the question. Do I have a second?

REMARKS BY SENATORS [UNIDENTIFIED]
- [Inaudible]
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Motion is second, seconded to call the question. The motion before the Senate at this point is to cease debate. That is the motion on the floor. The motion before you then is to cease debate by calling the question.
- All those in favor of ceasing debate please rise.
- Thank you ladies and gentlemen.
- All those opposed to the motion to cease debate please rise.
- Motion to cease debate fails.
- Senator?

REMARKS BY SENATOR GREENBAUM

- Yes. Am I the Senator?

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- You’re the Senator.
- I usually refer to her as the idol when she…

REMARKS BY SENATOR GREENBAUM

- I am not an outsider, I’m an insider. I’ve been here twenty-one years. And I was at the meeting at which this decision was taken and I think that you had to be at the meeting at which this decision was taken to have an understanding of the alarming qualities that surfaced during that meeting.
- Now a number of people speaking in favor of this resolution have attached it to Dr. Al-Arian’s speech, to his behavior, to his views, the things that he has done. But in fact it was made crystal clear at the meeting that this was not about his conduct. This was not about his speech. This was about the reactions of the public to what he had said. That if the public, and this is very unspecified, reacts against what a professor has said, in such a way that it disrupts the University, or if, potential donors to the University make threats to withhold resources deemed critical to the operation of the University because they disagree with the speech of a particular professor, then it is not only allowable to remove that person from their position and the abrogate their tenure; the University has a responsibility to do so. And this was discussed at length. A number of hypothetical situations were looked at. Well, what if somebody was provoking controversy over issues that we mostly agree with. This is not an implausible scenario. This is the kind of thing that actually happens at this University. People who opposed desegregation where very upset with professors who were in favor of desegregation. There were death threats. There were people who threatened to withhold their donations. This is not an implausible scenario. This is not something that’s rare, or special, will never happen again, this is a precedent that is very dangerous and it is occurring within a moment that it’s even more dangerous. We can all be fired if the powerful or the public or hate groups or people who are willing to foment a climate of fear and violence take action against us. This is like Rafka. This is like, well, how do I know how to gauge what the reaction might be to some thing that I’m gonna say in the context of my professional or in the context of my activities as a citizen? And do I need to worry about whether I’m going to lose my job when I say those things? And the answer is yes, I do need to worry about it. I will worry about it, as long as this is in affect, all of us will worry about it. And as long as we worry
about it that’s all they need. That is chilled academic freedom that this decision has made and that’s why all of us need to be concerned. Thank you.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Senator Heide please? Senator Heide, yes.

REMARKS BY SENATOR HEIDE

- Thank you. Thank you. I certainly appreciate the opportunity to speak and inform on what is really making very clear to us is what academic freedom is and what it means to be a tenured professor at USF. I have, as I’m sure everyone who’s here including the President been agonizing over these issues. And what I keep coming back to is what is academic freedom and should this be crafted in front of academic freedom. I went to specifically look at the Collective Bargaining Unit and to put US Board of Academic Freedom charges with a different interpretation and I think we have to look at these documents, the government documents here at USF and it’s clear in what it says, that consistent with the exercise of academic responsibility employees shall have freedom to present and discuss their own academic subjects frankly and forth-rightly without fear of censorship. But it clearly goes to the subject matter that we’re experts in. Now, the presentation that was given today I thought was an excellent one by Sherman Dorn. And I appreciate that. And yet as I’m looking at, we have not adopted the AAUP policy. I know that is one of the motions, or at least I’m told will be a motion today, by Senator and the President Greg Paveza. However, at this point I don’t see AAUP controlling my seat in collective bargaining. In addition, and as I’m struggling with this, is the second point in terms of the procedure, it appears to me that the procedures were followed according to the Collective Bargaining Unit. And I say that, but I also have to say honestly, is that the procedures that were followed and I agree with my colleague Senator Vanden, were offensive. In that in this country, morally we give somebody an opportunity when we are talking about them to be present to respond. I’m also troubled that today we hear hear (inaudible) from Professor Sami Al-Arian, he disputes some of the allegations that were made. What I am troubled is because he’s not had (inaudible) forum at this point to discuss this, I don’t know, obviously, and probably no one else here, exactly what the truth is. So I come back to what I see is really two issues here: to date, has the person acted in terms of, appropriately in terms of the authority in the collective bargaining unit and I would have to come down and to get some issues following that given where we are in academic freedom, as much as you might think otherwise at this point, this is not an academic freedom, under the collective bargaining. She has followed the procedures. However, and this is where I would ask that consideration be made to a friendlier amendment, the President had to give to President Paveza three motions, or I don’t know if they’re motions, but procedures that I absolutely agree with and I think are critical. And that is as I heard is to appoint an Ad Hoc Committee to investigate this issue. I think that’s critical. It’s basically meaning, you know, what has occurred here? And as a faculty we have some role in governing. The second thing that I would raise or agree with Senator Paveza is the standing committee on academic freedom has to be salvaged. I don’t want to see issues like this returning. I don’t want to be a faculty member in a climate of fear and I certainly don’t want to see other faculty members in that situation. And I think we really need to give serious
consideration and I agree again with the President Paveza on this, the University Board of Trustees adopting the AAUP guidelines. If we had those today we’d be a very different situation. We do not and I think it’s unfair to be judging the President under guidelines that are not part of our collective bargaining. So I would suppose for at least for consideration that we blend issues that support, at least see that the President has acted appropriately given the guidelines in place. At the same time I think immediately we need to take action in the matter of Sami Al-Arian to investigate this matter more appropriately and to put procedures in place that really deal with the whole issue of academic freedom and appropriate procedures as established by the AAUP. Thank you.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Senator Dorn?

REMARKS BY SENATOR DORN

- I ask unanimous consent that any amendments to this motion be presented in writing.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- So you request the unanimous consent that any motions to this amendment be presented in writing? Is there any objections?
- There being no objection by unanimous consent, any amendments to this amendment must be placed I writing and submitted to the Chair.
- Senator Heide, there is nothing, by the way, to prevent us, at a later date, from introducing, either as separate motions today or at the general meeting at the end of the month, those particular motions.
- Senator Dorn, did you want to speak, or otherwise I have a request back there?
- Senator?

REMARKS BY SENATOR LEE

- I agree with Senator Heide…

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Is that microphone still on?

REMARKS BY SENATOR LEE

- I agree with Senator Heide’s comments on all points. I would like to make one comment about tenure. I agree with you that tenure is more about academic commitment to research, teaching and service. And for some of us, lifetime commitment to poverty. It’s more about the commitment than academic freedoms. I would’ve like that (inaudible). And the other thing is, this forum, it’s getting convoluted until Senator Heide’s spoke, that it seems like we’re here to judge the case on him. I think this forum is more about academic principle and due process, than what has he done and what are we judging him about.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Thank you.
- Senator Binford.
REMARKS BY SENATOR BINFORD

- The question is, is there an emergency on the USF campus? As I understood the Chair’s recommendation, we were going to go into due process. The professor hasn’t been dismissed yet and (inaudible) in due process. The Provost himself said the first step is say we’re going to dismiss him. Then there’d be time for due process. This emergency, maybe the first two years I was here when the good ole boys chased the students onto campus because they had an angry group up at the University Restaurant which most of you don’t even know existed. I can remember during the Vietnam War when professors and students were in the trees on campus when the sheriff’s department was off chasing them. I can remember Professor Solomon being a really staunch, staunchly opposed to the Vietnam War and getting many death threats and him telling me about them. And how he had trouble sleeping at night because they preferred to call in the middle of the night and no one suggested dismissing Professor Solomon. So I don’t see why we can’t have this due process, which I suppose, would be the subsequent motion after we, if we defeat the first motion. And I would strongly recommend that we defeat this motion.

REMARKS BY SENATOR [UNIDENTIFIED]

- I call the prior question.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- I have a motion to call the question. Do I have a second?

REMARKS BY SENATOR [UNIDENTIFIED]

- Second.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- There’s a second.
- All those in favor ceasing debate please rise.

REMARKS BY SENATOR [UNIDENTIFIED]

- What?

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- The motion, well wait, the motion on the floor is to cease debate. That’s what a motion to call to question requires. Therefore, the only motion on the floor is to cease debate. Those in favor of…

REMARKS BY SENATOR [UNIDENTIFIED]

- On this motion?

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- On this motion. It doesn’t, it is not a motion to adjourn. It is a motion to stop debate on this motion.

REMARKS BY SENATOR [UNIDENTIFIED]

- for those of you who are confused.
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- All of those in favor of terminating debate please rise.
- Sit down.
- All those opposed to terminating debate please rise.
- The motion to cease debate carries debate. The motion on the floor is the following: We fully support the actions of the USF Board of Trustees and USF President Judy Genshaft in the dismissal of Associate Professor Dr. Sami Al-Arian. While we fully support academic freedom, we understand that certain individual professional responsibilities are inherently attached to these freedoms. The dismissal of a tenured Associate Professor is and should be a rare event. We understand that this was a most difficult decision.
- All those in favor of the motion please rise.
- Be seated.
- All those opposed.
- The motion is defeated. [Applause]
- Senator Taylor?

REMARKS BY SENATOR TAYLOR
- Mr. President I rise to the point. Actually, a personal request. I wish to be recorded as abstaining on first vote and would prefer for it to be blind.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Certainly.

REMARKS BY SENATOR TAYLOR
- I believe very much in due process. And due process is outlined in the Collective Bargaining Agreement between the administration and faculty. Part of that due process involves the grievance procedure. I do not know whether the actions that are contemplated here will result in a grievance. But if a grievance were to be filed it would go to a step one meeting and that raises a particular problem for me. For the last few years I have served as the President’s representative period at Step One Grievance Meetings. Consequently it seems to me that it would be most (inaudible) for me at this point to have voted either in favor of or opposed to the motion (inaudible) this report. Since there is some possibility that I might have an important, significant role in the grievance process itself. I do want to point out that I’m not the only step one hearing person here. There are others. It’s also possible the University to sidestep the (inaudible) motions. I would like to publicly urge the University not do that, simply because I think it is important for us to follow due process (inaudible).
- I appreciate the ability to explain why since I have the reputation for rather outlandish controversial opinions. Why in this instance I want to be recorded as abstaining from the vote.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you Senator Taylor.
- Senator Dorn.
REMARKS BY SENATOR DORN
- Following Senator Heide’s remarks and President Paveza’s remarks I move to introduce the following resolution, which I’ll hand around.
- In short it is precisely to establish a committee on faculty discipline, a standing committee of the USF Faculty Senate.
- Would someone be willing to help pass this out?
- I can’t talk anymore unless someone seconds it.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you.

REMARKS BY SENATOR DORN
- I think I’ve seen around three or four different resolutions passing around. But we’ve already taken one symbolic vote and we need a decision.
- As Dr. Stamps indicated earlier Mr. President, there has not yet been a termination.
- It is in the by-laws of the USF Faculty Senate and the powers invested in it by the constitution of the faculty of the University of South Florida to create standing committees at any majority vote of the, of any such, including this one. In short, what this does is, that it establishes, it would establish, a faculty, a committee on faculty discipline, composed of a thirteen senior members, as in those who are at least twenty years past their terminal degree, and neither retired nor in phased retirement, who would have power and authority to conduct such hearings on faculty fitness that arise from discipline for termination preferences with the administration. If the faculty Senate creates this, I’m creating more work for myself since I’m on the Committee for Committees. But I am firmly of the opinion that a number of respected faculty members would apply, would be eligible for this and the administration could use this to demonstrate in fact that it respects faculty governance and due process.
- If we do not approve something like this now, I predict that Dr. Al-Arian and his lawyer will submit a response to the letter of intent. The University will terminate and we will be in a much bigger mess than we are in now.
- If we approve this resolution and create such a committee the administration has the choice to astrotcrate us from this mess. It will not solve the substantive concerns that I and many others have. But it will solve the due process (inaudible) concerns in some measurable fashion.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- The motion on the floor, which you all have in front of you and I’m not about to read it because it would take an extra five minutes, is before you. Speak, Senator Dorn has put the Senate.
- I don’t believe we have enough copies for everybody.

REMARKS BY SENATOR DORN
- I have a couple extra.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Do all the members of the Senate have them?
REMARKS BY SENATOR [UNIDENTIFIED]
- I am an Interim Senator.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- I am aware of that.
- We do have seats by the way still in the front row, for the members of the Senate.
- Anyway, speakers on the motion please. Other than Senator Dorn. Senator Mandell.

REMARKS BY SENATOR MANDELL
- I think this is a very fine motion and the only difference that I would have is if Senator Dorn would accept a friendly amendment, is that there be more than thirteen members. That there be some type of proportional representation. Although that’s not something I would be stickler about. I think the idea is that we have such committee is a very good committee and it addresses one of Dr. Heide’s concerns. All three of which I concur with. The, this would of course have no bearing on the problem at hand. But it would certainly have bearing on future problems. And I think it would be a good thing for the University.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Senator Reynolds.

REMARKS BY SENATOR REYNOLDS
- I just have one question about your motion. Would you just clarify, or could the Chair please ask Senator Dorn to clarify, the rationale for limiting the membership of the committee to people who are twenty years past their terminal degree?
- Although this is not terribly relevant in my particular case, by I time I get twenty years past my terminal degree, I would in fact be probably in phased retirement.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Actually if the Senator would also permit me, and somebody else will have to, I wondered the same thing, which is indeed not unlike Senator Reynolds by the time I reach twenty years, even though I’m currently a Full Professor, by the time I reach twenty years I should be in retirement. So.

REMARKS BY SENATOR DORN
- I ask unanimous consent to amend the motion to change twenty to ten.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Is there unanimous consent to change the motion?
- There being no objection, the motion is to, the motion is changed to read “Thirteen tenured faculty members who are at least ten years past their terminal degree.”
- Senator Ness

REMARKS BY SENATOR NESS
- I object to this. I don’t know that there is a violation. And I think it’s inflammatory language. And I think that there is a situation where, indeed, the administration is
employed to carry out its function. And, I think there’s checks and balances adequately. I don’t see us putting forth another committee of thirteen. We have a pretty good sized committee right here, that’s already voted on the issue. A smaller committee with some sort of constitution, I don’t think it’s doing service.

REMARKS FROM THE GALLERY

- Greg.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Yes sir. Yes Doreen (visitor in the gallery).

REMARKS FROM THE GALLERY

- We can’t hear him.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- He doesn’t have the microphone.

REMARKS BY SENATOR NESS

- I object to word violation. That it violates professional standards. I’m not aware that it violates any professional standards. And I object to it for that particular reason. And I also object to just one more committee being created at this University.
- Who would be the custodian of that?

REMARKS BY SENATOR BREM

- I would agree with the past speaker and I’ve listened to all the scholarly beautiful presentation by Senator Dorn. I was just asking about, we did a lot of research on this and what we heard from Senator Dorn was all the outcome of wrongful firings. All the wrongful firings in the history of academia. Where there any rightful firings? Professors with criminal backgrounds, moral turpitude, or just needed to be fired? You know.
- Or closing on the cloak of academia gives us some sort of deity.
- Second of all, the President of the University has obviously spent an enormous time with this, anguished about it, which is kind of the CEO. Either you have confidence in the leadership, I do. Or you don’t. But to put a para-leadership and make a committee that has the potential to second-guess the leadership then I think it’s wrong. It’s always wrong. So I would be just against another committee. Typical academic aspects.
- And third of all, I can say that each of us, what they do, they go get some medicine or as an army or as a profession in history, still have a basic obligation to the society and we are obviously whether it be Al-Arian, Mandell, whatever, I think that this isn’t about academic freedom, it’s about racism and hate. And I’m sorry that we dismissed the first resolution… (Tape ended here and had to be replaced; remaining comments were lost.)
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- I object and I am offended by that statement.
- Senator Reynolds

REMARKS BY SENATOR BREM
- Well I have academic freedom to say it. [Laughter]

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Guys, we’re not going to go this. I’ve made my point and personal criticism.

REMARKS BY SENATOR REYNOLDS
- I’d like to strongly object to the characterization of our failure to pass the statement, the previous resolution, as a vote of no confidence for the President or the Provost. I do not know President Genshaft enough to know how personally to make a comment on her integrity. I do however have enough confidence in Dr. Paveza’s (inaudible) on that score. I do have enough of an acquaintance with Dr. Stamps to have every confidence in his integrity. My problem in terms of the motivation is that, is that this entire episode has to do with my uncertainty at this point in the integrity of the Board. It’s a brand new Board of Trustees and it is highly highly stacked with business people, which is why I (inaudible) and support when they talked about the difficulty facing the phones and all that. I just think that the faculty needs to make it clear whether it’s the establishment of another committee or not, that this University is not a business. That our business is education, research and service, not the bottom line.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- My colleagues in the back, if you’ll come up so you can take the microphone please.

REMARKS BY SENATOR MUFFLY
- I just wondered, did…
- The Senate has addressed this issue previously and I wondered if you could remind us of what the decision of the Senate at that time was.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- The Senate has addressed this issue previously?

REMARKS BY SENATOR MUFFLY
- Yes. We had a vote of the Senate as to what, whether to support the President of the University or not in her decision as to what to do with this situation.

REMARKS BY SENATOR [UNIDENTIFIED]
- That’s not true.

REMARKS BY SENATOR MUFFLY
- As I understood…I just wondered if you could remind us what that decision was and what the issue was at that time.
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Oh, I understand…now that I understand.
- The previous motion that the Senate voted was not this issue. The issue was on the suspension of Dr. Al-Arian and at that time the faculty voted, in the affirmative to support the administration’s decision to place Professor Al-Arian on paid academic leave-paid leave. That was the decision that was supported by the Senate.
- Senator Hall. Yes. Yes.
- Yes, Senator Greenbaum, I’m sorry.

REMARKS BY SENATOR GREENBAUM

- Thank you. I’m not opposed to this resolution. I’m not sure I support it either. I’m not sure exactly how it connects to the issue at hand. It does raise an issue that’s extremely important and if it resolves it, I’m for it. And that has to do with the problem of governance. And the way in which the Board of Trustees interprets governance, has nothing to do with our having any input. The meeting at which this decision was taken, and I come back to this because this is my motivation for being on my feet as I speak. There was no opportunity for any dissenting views to be expressed. There was no opportunity for any evidence that was presented to be questioned, for any alternative evidence to be presented, for anyone who had any thoughts other than what were being expressed by the Trustees to raise questions about the implications of what was being done. It very undemocratic and as such it resulted in what I believe was a very bad decision. This is the kind of governance that we have been getting ever since the Board of Trustees was established. It is very clear that we are not considered to be part of the decision making team. If this is a business we’re the operatives. If somebody’s got an auto dealership and they don’t, they’re not gonna ask me how to run their business and I’m not gonna tell them how to run their business. This is my business. Why don’t we have a role in expressing our views about how this ought to go down? That’s one point. And if this resolution will give us more of a role in the governance of the University, I’m for it. And that’s my main concern with this whole controversy, is that we are transitioning into a situation in which the University is governed by PR, by individuals who are utterly insulated from alternative points of view, particularly relevant points of view from the faculty who are the University in large measure.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

- Thank you. Senator Becker.

REMARKS BY SENATOR BECKER

- I wonder is it might be useful to separate out the current issue from the process issue and whatever committees we need to make or changes we need to make to University governance. I think one of the difficulties around the discussion of this issue all along has been that they’ve been balled up together. I think the President must have and does have presently, under the Collective Bargaining Agreement and the procedures and process that is the legal and appropriate process of this time. And that’s what’s connected to the activities of her present Letter of Intent To Dismiss. So, I think, you know, if we could separate that, I am disappointed that she, that the previous motion was defeated, because I think if you could separate the process, I think a lot of people are
opposed because of the process and not the outcome. There’s no question that it was
unfortunate, I think, that the timing of the legal brief was such that it was delivered when
it was, and it was at the inter-session. It is my understanding that the Board of Trustees
convened its meeting as soon as it got its legal brief and that was when it was. I think
that there have been motives attributed to the Board of Trustees that it was of a kind of
opportunity to do it when all the faculty was away. I think that thrifty business
(inaudible) to the Board. I do think it would be very helpful if we could have more of a
voice at, I was at that meeting by the way, at the Board of Trustees meeting where this
was discussed, and I do think it would be very useful if of a regular way the faculty had an
open forum there to participate along with the Board to provide its input, into parts of
these decision. But I think we would be well served to separate these two things.

• How do we go forward as a University and as a faculty governance? How do we have
better input? How do we arrange the governance of the University so that it is truly
representative of the collective wisdom of the faculty? That really could be separated
perhaps from the current issues at hand so that we can give due deliberations to those.
Now that there’s heat, there’s been much more heat than light, I think, to the discussion
around the Al-Arian thing. Because, it can be framed either as a hate issue or an
academic freedom issue. Responsibility as opposed to liberty. All these things are very
charged words with meanings that are very dear all of us. And they create a certain
energy that I think is not productive in terms of (inaudible). So I would recommend, I
don’t support this motion because I think the language of the first two sections is
inaccurate because to vote for this is to say in affect that we agree that there’s already
been a violation of professional standards, and given the professional standards that are
prevailing at the moment, I do not agree with that. I think the idea of this committee in
general is a great idea. I would take off the first two sentences and live happily with the
remainder of it. But I think to adopt this with the language in those sentences is an unfair
statement to the process that’s happened so far.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
• Senator Vanden.
• One second please. I need to seek unanimous consent from the body that we will extend
the time of debate since we are at the appointed closing hour. Is there any objection?

REMARKS BY SENATOR [UNIDENTIFIED]
• Sir, what is that time?

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
• The time is 5:05. We are now at 5:06. So I need unanimous consent to extend the time
of debate until such time as we resolve this particular motion. Do I have any…?
• Senator Binford?

REMARKS BY SENATOR BINFORD
• I was just going to move the previous question.
REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Well can I ask…oh, you’re going to move the previous question? Let me finish with unanimous consent first and then you can move the previous question.
- Is there an agreement that we can extend the time of debate? Because technically I would have to adjourn the meeting at this point and we couldn’t even move to a motion to move the previous question. So do I have unanimous consent to extend? There being no objection, we are extended.
- Senator Binford.
- Wait, I already acknowledged Senator Vanden.
- Senator Vanden.

REMARKS BY SENATOR VANDEN
- Thank you. I’ll try and keep this short and sweet. I would just speak in favor of this motion. Even though, if indeed there was a conspiracy, I was totally oblivious to it. And I didn’t know anything about it, but as most others, I think this has to do with Professor Dorn’s mission. But I would speak to it because the concept of faculty governance and collegiality goes back to the institution of the University as we know it and related. There was indeed the faculty, who got together and talked to students. Goes back to the academy and Aristotle. It is a sound concept that is at the very basis of the University. We are not a business. We do not have a CEO. I’ve been here twenty-seven years. I’ve seen a variety of presidents and administrators, not to mention at least two generations of students come and go. It is the faculty who give the University its continuity. It is the faculty who know the professional standards, and know rather clearly what is correct and what is not. Most of us obviously feel there have been some violations here. There is some dispute as to what should or should not have been said. But we feel this. Indeed I think we, the faculty, by our training, by our experience, by our commitment, by our longevity, are the best then to determine what is correct and what is not.
- I think frankly, it is really unbelievable that we were not consulted in this process, even though some of us tried, as I did, to contact the president before the meeting, when I found it was being called. And I think we must indeed insist what this resolution would do. That the faculty would be involved and consulted. And interestingly enough, though we may not all agree on it, all decisions will be better. Because they will not be made by people who run real estate companies or who do law that has nothing to do with education. It will be run by those of us who have dedicated our careers and our professions to this endeavor. Thank you very much.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you. Senator Binford.

REMARKS SENATOR BinFORD
- Move the previous question.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- There’s a motion to cease debate. All those in favor of ceasing debate, please rise.
- All those opposed to ceasing debate please rise.
The motion carries. Debate is ceased. You have in front of you a motion in essence to create a committee on faculty discipline. All those in favor of the motion as amended, please rise.

REMARKS BY SENATOR DORN

I changed twenty to ten.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

There was no motion made to amend.

REMARKS BY PAST SENATE PRESIDENT JANET MOORE

That’s interpretive.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

That’s interpretive.

Be seated.

All those opposed please rise.

Thank you. Be seated.

The motion carries.

Ladies and gentlemen we are past the hour of debate. Unless there is further business to come before this Senate, Senator Mandell.

REMARKS BY SENATOR MANDELL

I would like to make a statement please. We’ve spent a lot of time today discussing academic freedom, attacking the Board of Trustees, attacking what has happened. And one of the things that has not been said is that the decision to terminate Dr. Al-Arian was not the decision of the Board of Trustees, but the decision of the president. And the president acted so as to protect the welfare of the community. Now, whatever individuals may think of the Board of Trustees, it’s another problem entirely and another question entirely. I think it’s very important that we separate, and we’ve already heard the term separation, that we separate what the Board of Trustees has said and what the president has done. And that we separate the issue of academic freedom, which is a very important issue, from the issue of the safety of the University, which is a very important issue because if we are not safe to come to work, if our students are not safe to come to class, then we can no longer exist as a University. I think there are many things that have been said that need further investigation. For instance, we heard about one threat and as I understand it, there were multiple threats. We did not hear about multiple threats in this meeting, but only about one threat that had been retracted. I think the issues have become confused. I think we have grave problem. As far as the motion we have just passed, I think, I do agree with people who don’t like the first two paragraphs. I think it’s wrong. But I think the idea of creating such a body is a very good resolution and a very good thing for us.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)

Thank you Senator.
Senators, unless there is an absolute need to continue this particular debate, one question from Senator Heide.

REMARKS BY SENATOR HEIDE
- Point of clarification. (inaudible) Senator Mandells’ point. This document that we approve could be tweaked could it not, so that it (inaudible).

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- It will be referred to the Committee on Committees for appropriate structuring. Yes.

REMARKS BY SENATOR HEIDE
- All right. Terrific. Thank you.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- There being no…are you prepared to submit a motion to the floor Senator.

REMARKS BY SENATOR LEE
- If I may be indulged, I would like to share a very similar situation in another University. There was a professor who did appear on the O’Reilly show who was very vocal and who even put op-ed pages in the Houston Chronicle. The way that situation was handled, the president took an op-ed page saying that the University does not have (inaudible). He spoke as a free citizen. And that was the end of it.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Thank you. Senator Ness.

REMARKS BY SENATOR [UNIDENTIFIED]
- Move adjourn.

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- There’s a motion to adjourn. All those in favor signify by saying aye.

REMARKS BY THE FACULTY SENATE
- Aye

REMARKS BY THE FACULTY SENATE PRESIDENT (Gregory Paveza)
- Opposed?
- This meeting stands. If you’re in the Senate, the Senate stands adjourned until the twenty-third of January.

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