

1-1-2003

## AY 2002/2003 FS meetings minutes: 03 Feb 19

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**FACULTY SENATE MEETING  
MINUTES**

February 19, 2003

President Paveza called the meeting to order at 3:05 p.m. The Agenda for today's meeting was approved as presented. The Minutes from January 22, 2003 were approved as presented.

**COMMENTS AND REPORT OF FACULTY SENATE PRESIDENT GREGORY PAVEZA**

President Paveza thanked all the members of the faculty who took the time to attend the General Faculty Meeting on January 29, 2003. He felt that the meeting was of particular benefit in allowing both faculty and the administration to begin dialogue around issues related to faculty governance and shared governance within the university. Forward movement is continuing with that dialogue, some of which will continue at today's meeting in the form of two policies that will be discussed. In addition, since the General Faculty Meeting, the Provost has appointed a committee to work on issues related to continuing the process of dialogue around this issue. Serving on that committee will be President Paveza and Senators Greenbaum and Bird.

President Paveza announced that Vice President Carl Carlucci has put together a Budget Council whose job it is to address issues related to budget policy and budget direction for this university. Committee members include Senators Andrew Hoff and John Richmond, and Professor Michael Barber from the College of Medicine.

**REPORT FROM PRESIDENT JUDY GENSHAFT**

President Genshaft congratulated Gregory Paveza for being selected by the American Council on Education to be an ACE Fellow for next year. She explained that an ACE Fellow is an opportunity for an individual to work at another university for one year with a Provost at a different university. It is an agreement where the University of South Florida (USF) helps extend support so that after the year, the individual returns to USF and can contribute even more to the university in a variety of ways. It is a competitive process nationwide and there are only about 25 Fellows selected to have this opportunity.

President Genshaft announced that the Legislative session begins March 4, 2003. The governor has proposed his budget. The House and the Senate separately work on what they propose their budgets should be and then they come together. The presidents of the institutions have spoken with the governor, the House, and with the education appropriations people of the Senate. The funding of the class-size amendment and some of the other amendments equates to a huge amount of money. The way the staff in Tallahassee has looked at this is to take as much money as they can out of higher education and give it to K through 12. For example, \$76 million that comes from construction has been taken out of the higher education budget and given to elementary and secondary for their building of classrooms, which leaves a very small amount for all of the universities.

All of the university budgets have been cut by about \$148 million. This translates for USF to approximately be a \$30 million cut, which is a very huge cut for this campus. President Genshaft pointed out that USF is not being treated any differently than the other universities, but it is just an enormous cut. All of the universities have come together, and have sent four clear messages that the higher education budget must be restored. The budget needs to be restored, as well as any kind of economic development, which is an important component in the Legislature. One of the themes is restoring the budget, and a second theme is to restore the building money of the \$75 million back into the universities. A third component of the governor's budget is that when any buildings are built, no operational money goes with it. The State of Florida has what is called "deferred maintenance." Plant maintenance and operations is a very vital part of how this university is operated and that was taken out of the budget as well. Plant maintenance and operations was a very big item. We want to restore the basic funding, restore the construction money, and absolutely make sure that plant maintenance and operation is in there. The fourth item is the concern over the Matching Gifts Program, and all of the university presidents have come together and are working on this.

President Genshaft announced that the strategic plan brochure would be ready at the end of this week. The brochure will be sent out to everyone.

At this time President Genshaft asked for assistance from the Senators in terms of awarding the honorary degree to noteworthy people. She explained that it is a good opportunity when awarding honorary degrees to people in terms of getting them to realize that USF honors them and they honor USF by being honorary degree recipients. President Genshaft feels that USF does not have the number of honorary degree nominations that it should, and she believes that the honorary degree should be awarded to veritable people. These would be people who could honor USF as well as USF honoring them. Therefore, President Genshaft asked the Senators to talk about this with their departments and colleges and start thinking of some noteworthy people that can move this university one step higher if USF has more outstanding professionals. There is also a need for more nominations. Local citizens can be awarded the President's Medallion which is the highest award a university president can give. President Genshaft reminded everyone that honorary degrees do not always have to be given at the commencement ceremony; they can be given at other times of the year.

For the first time this spring, USF will be having three commencement ceremonies in Tampa. This is the result of USF doing a good job of retaining and graduating its students. The times are 10:00 a.m., 2:00 p.m., and 6:00 p.m. Each of the ceremonies will fill the Sun Dome. There will also be a ceremony at Sarasota, Lakeland, and St. Petersburg, as well as a medical school ceremony. There will be a total of seven ceremonies this spring.

Ground breaking took place the previous week for the charter school that will be located across from the Sun Dome. The current USF charter school is from K through 3, however, it will be extended from K through 5.

President Genshaft encouraged everyone to visit the exhibit of medieval manuscripts currently at the Tampa campus library.

The Board of Trustees (BOT) will be meeting on Thursday, February 20, 2003, on the USF campus.

At this time, President Genshaft answered the following questions:

Question: What is in store for faculty salaries this year?

Response: The faculty salaries have been part of the negotiation and there is money in the budget for this year's faculty salaries that have been negotiated, which I believe is 2.5 percent.

Question: Did you say the Governor is trying to eliminate the matching gifts program?

Response: He's not trying to eliminate it, but he's moved it around a little bit. There will be a limit on it. The concern among the students right now and the big topic of discussion was the question that we get at this point on what do the presidents think about Bright Futures, and what should we do about Bright Futures. That is a very big question. The presidents have come out with a statement about Bright Futures, which is different from what the governor has recommended. The presidents did a report and recommended that the standards be raised for Bright Futures. I believe I talked about this last time, but if not, the Bright Futures at this point in time contain two categories. One is a Bright Future that has 75 percent payment, and the other Bright Future has 100 percent payment. The difference depends on the SAT score and the GPA. The SAT and GPA score for the 75 percent Bright Futures is lower than some of the standards for admissions at many universities. The concern is that the huge bulk of the Bright Futures students do not even get accepted to many of the universities, given their scores. The presidents have recommended raising the standards for the Bright Futures and are also looking at more of a need-based requirement as well. The governor's budget in terms of Bright Futures is different. There is no recommendation to raise the scores on the Bright Future but to instead cap the amount to what it is right now, this year. If tuition goes up then the university has to pay the difference, which means another cut to the university. The Bright Futures is a very big discussion right now with the Legislature.

Senator Mandell commented that although she very much appreciated what President Genshaft had to say about USF not having money for maintenance of buildings and improvements and so forth, there is one area where help is desperately needed, and it would not cost any money. That area is in the bathrooms of various buildings of the university, where the bathrooms are consistently filthy. Senator Mandell added that it would not take any money to fix this problem, just some pressure on the Physical Plant. She felt that this is an area that should be addressed.

Response: Thank you for that information.

President Genshaft thanked the Executive Committee for copies of the Proposed Academic Policies on the creation of a Peer Advisory Committee on Faculty Termination, and Academic Freedom and Responsibility both of which would be brought up later at today's meeting. She added that she and the Provost support these policies.

At this time, President Paveza announced that with the support of the Senate Executive Committee and after a brief discussion with President Genshaft, he would be sending a letter to

Health Sciences Center Vice President Daugherty to request that he make a formal report on a monthly basis to both the Senate Executive Committee and the Senate. Vice President Daugherty's report would be a standing part of the agenda and beginning with the March meetings. This request is being made given the fact that so much of its responsibility for the Health Sciences Center is including the academic responsibility as passed to the Vice President for Health Sciences. President Paveza thinks that it is critical that all of the vice presidents who are responsible for the academic affairs of this institution, the Provost and Vice President for Health Sciences, interact with and report to the Faculty Senate.

## **REPORT FROM ASSOCIATE VICE PROVOST PHIL SMITH**

Associate Vice Provost Phil Smith presented a report on behalf of Provost Stamps at today's meeting. He announced that there were five Distinguished University Professorship nominations this year. The total review process will be completed by the end of the semester.

It is also time for tenure and promotion. The Provost's Office received a total of 79 tenure and promotion applications, 42 of those are from Academic Affairs and the Health Sciences Colleges, with the remaining 37 from Medicine.

The College of Education Dean search has been narrowed to five candidates, and those candidates have been recommended to the Provost for on-campus visits. The following candidates for the new Dean are: Dr. George Hine, who is currently Associate Dean for Research and External Affairs, University of Georgia; Dr. Harold Keller who is currently serving as Interim Dean of our College of Education; Dr. Colleen Kennedy, Professor, Department of Teaching and Learning, University of Utah; Dr. Kenneth Leithwood, Associate Dean for Research, University of Toronto; and Dr. Stephen Rollins, Executive Associate Dean, College of Education, Florida State University

The sabbatical process is well under way with the Sabbatical Committee now considering sabbatical applications that will be effective for academic year 2003/2004. The same number was allocated this year as last year. There are 15 one-semester, full-pay sabbaticals and 15 full-year, two-thirds pay sabbaticals available. In addition, there is an unlimited number of full-year, half pay sabbaticals available. This is the way it has been for the last several years. There is a total of 44 sabbatical applications this year, broken down as follows: 16 people seeking the full-pay only, two people seeking the two-thirds pay only, five seeking the half-pay only, and 21 applications that combine some derivation of those first choice, second choice. The Sabbatical Committee will be making its recommendations by the end of this month, and the letters should be out by the second week in March.

Associate Vice Provost Smith commented that the Provost's Office has been receiving questions about sabbaticals, particularly since the sabbatical program was part of the old collective bargaining agreement; is it going to continue? His reply was yes, it will continue, and it will be business as usual. People have been asking about phased retirement, which was also part of the old collective bargaining agreement as opposed to DROP, which is a statewide separate part of the agreement. There are a number of people currently participating and continuing in the program, and there is every expectation that will be one of the items on the bargaining table when USF goes back to the negotiating table with UFF, which is anticipated in a relatively short

period of time. There have also been questions concerning summer teaching. USF is facing a bad budget situation, and Associate Vice Provost Smith could not definitively say at this point how badly the budget will impact summer budgets, but there will obviously be some impact. As soon as those things are known, the administration will clearly communicate those issues as soon as possible. The status of recognition of the United Faculty of Florida has not changed. The administration has indicated that it is willing to sit down and talk with the union at any point, but so far there has been no recognition acknowledgement received from the union. Associate Vice Provost Smith added that the administration would like to be in a position to recommend recognition to the Public Employees Relations Commission (PERC).

## **REPORT FROM USF UNITED FACULTY OF FLORIDA PRESIDENT ROY WEATHERFORD**

President Paveza announced that UFF President Roy Weatherford was out of the country and so the following report was presented by Senator Gregory McColm.

For the first part of his report, Senator McColm presented a prologue for those who might have missed a few episodes or who may not be entirely familiar with all of the details. The BOT was scheduled to meet on Thursday, February 20, 2003. The BOT and the UFF are disagreeing over the legal status of the union and of the contract between the union and the the Board of Regents and the legal obligation to inherit it by the Board of Education. The details of this agreement are as follows: The BOT contends that on January 7, 2003, when it came into power, as far as it knows, there where no contractual obligations under the old contract or via the union to faculty or staff. In particular, the contract itself with the USF faculty expired on January 7, 2003. The BOT refuses to recognize either the UFF or any legal obligations to negotiate a successor contract. The UFF has determined that the Union has been certified twice, and it has never been decertified. Typically, a union is not decertified when there is a change in ownership or management of an institution, and so UFF claims that it is, in fact, still certified and, thus, the BOT has defied the law in refusing to recognize UFF and in refusing to bargain a successor contract. The point of view from the perspective of the Union is that when a contract approaches expiration (and when the old BOR and the Union negotiated a new contract every three years and so a contract would approach expiration) both sides have an obligation to negotiate a new contract.

Last fall, the BOE and the BOT and various other bodies all claimed ignorance as to who the employer would be on January 7. It was stated to the Public Employees Relations Commission that it was too early to do anything. As of January 7, when the BOT had full powers and the contract was still in place, UFF President Weatherford presented the administration with a letter to start bargaining or at least to extend the contract in order for both sides to prepare for bargaining. The receipt of that was refused, essentially saying the administration would be happy to negotiate with UFF once it was certified.

Now that the contract has expired, the administration contends that it is too late and that the contract, since it has expired, is now dead. Legal obligations are not so easy to escape. Even the administration admits that if the BOT is called the successor employer, namely the employer that took over an ongoing operation, then the BOT is bound to recognize UFF and the contract. The reason for this conflict is the BOT's denial that it is a successor employer. Actually, what the

administration and the BOT have said is that they do not know if they are a successor, and they are waiting for the Public Employers Relation Commission to say something. However, during the time that they are waiting, they have not taken a prudent policy that would allow them to assume either a successor or non-successor role depending on the outcome. Instead, the BOT has taken an aggressive policy violating a range of contractual terms and conditions and has, thus, set a cascade of litigation that is likely to continue for months or more and consume time and money at a time when the university cannot afford to lose time and money.

The purpose of the UFF is to bargain and defend the contract. When President Genshaft asked UFF, who petitioned the BOT to recognize UFF, she worried that the form (which is on-line and can be looked up) might actually undermine the Union's position that the contract's terms and conditions are still in force. Remember, the contract is what the Union is all about so this is something that they are very wary of compromising on. At the BOT meeting on Thursday, UFF will present a counter proposal, which Senator McColm has been asked to present. At the conclusion of his report, Senator McColm answered the following questions:

Question: How does the BOR play into all of this?

Response: The BOR was not reinstated. Amendment 11 created a new Board of Governors (BOG). The BOG decided that the BOT should be the new employer, but one of the governors asked one of the lawyers if they could take that power back, and the lawyer said yes. The BOT is the employer until either the Governor or someone else says there not.

Question: How does this affect our future benefits such as our state health, life insurance, etc.?

Response: The benefits were historically bargained in the contract and many of the terms and conditions are protected by the contract, which the Union contends is still in force. The university has made several assurances about continuation of many of the benefits even if the contract should disappear. However, these assurances are not as binding as a contract is, which is why the Union would prefer to have a contract that protect these benefits.

Question: Can you tell us what the counter proposal tomorrow's BOT meeting will be?

Response: I have been asked not to. It will be presented tomorrow to the Board.

Question: President Genshaft said that this year we would receive a 2.5 percent salary increase across the board. If we are public employees rather than state employees, will future years be affected? Will we receive whatever the state employees receive, or will we be in a different position?

Response: One of the difficulties I have today is that I am a mere USF Senator so I am trying to figure out what exactly I know the answers to. I am sure you know the answers as well as I do having been a former president of the union yourself. My impression is that the bargaining committee that would negotiate with the BOR would haggle over pots of money. They would essentially set up some sort of fund depending on how much money the Legislature gave to the universities. It is provisional in that sense. There have been some discussions about how that would change. That is, if it is going to be like the community colleges whether or not you would

actually be bargaining over real money as opposed to historically bargaining over hypothetical money. At the moment, since the university has not recognized the union itself and it is not clear what the procedures are going to be, the Union does not know.

Senator McColm added that during the previous week Union members received a notice that looks like it came from payroll and it described how they could cancel their dues deductions. Since most Union members pay their dues and since you are a member, the effect of canceling this deduction would most likely be canceling the Union membership. He made three points concerning this matter. First, he thanked President Genshaft for continuing payroll deduction. It is a contractual obligation, but historically Union dues are targets for employers who go for the jugular. The Union is happy that President Genshaft has not taken this confrontational route. Secondly, faculty in the bargaining unit have the right to join the Union, and it is a violation of federal law to retaliate against faculty for being members. Third, in the notice that was circulated on the web site under “frequently asked questions,” the author of the web site said that USF administration would like to petition the Board to recognize UFF, but it also says that the Board could not then recognize UFF. Senator McColm suggested that this might be confusing, and recommended that someone may want to look at that page.

At this time Senator McColm answered the following questions:

Question: You said that there’s retribution for joining the Union, that it is against federal law. Are you suggesting that retribution has happened on this campus? It seems to imply that. So if it has not happened here, are you just letting people know that it is against the law?

Response: There have always been some people on this campus who are nervous. I should again say thanks to the relatively civil atmosphere here at USF. We have not quite been hearing the same kinds of stories that we have heard at the UFF Senate meeting about things happening at other places. I thought I would mention that in case anyone is nervous or has any questions about that. It is against the law to do that, and I thought I would remind people that it is. There have been past incidents.

At this time, Associate Vice Provost Smith clarified the benefits questions related to state health insurance, Blue-Cross Blue Shield participation, and state retirement programs in that all the benefits that have been in place prior to the transition from a state to public agency will remain in effect. They are not part of the collective bargaining agreement. The reference in the bargaining agreement to benefits has to do primarily with leave, and it is a duplication of university, state, and federal policy. As far as the benefits are concerned, retirement systems, etc., those are all guaranteed by the state. USF enjoys the same status, for example, as public schools or community colleges do, which is full participation in all the state programs. That has nothing to do with the bargaining agreement. There are programs that are part of the Union such as supplemental insurance programs that all organizations like that have, which if you are a member, you can avail yourself of. As far as the fundamental benefits program is concerned, they remain in effect.

Before moving on to the next item of business, President Genshaft introduced USF’s new Vice President for Research, Dr. Ian Phillips. Dr. Phillips comes to USF from the University of Florida. He has an appointment in the Department of Microbiology and Physiology and has been



a researcher for many years and recognized for honors. In addition, he has been an Associate Vice President for Research and has received awards. President Genshaft commented that USF is very fortunate to have him and hopes that everyone has a chance to sit down and meet with him.

Vice President Phillips thanked the Senate for its applause and stated that it was a great pleasure for him to be at USF. He has always considered himself primarily a faculty person. Dr. Phillips has been a faculty member since 1970. He was at the University of Iowa before going to the University of Florida, where he was a chairman, but stood as a faculty member. He added that even as Associate Vice President, he ran many research programs so he feels very keenly about the input of the faculty in all aspects of university life. The university, as a basic unit, is a faculty and student unit and everything in between helps to facilitate that interaction. Faculty will find that his thinking is probably always the faculty first and how problems can be solved together. Dr. Phillips commented that he was very pleased to have been recruited here and that President Genshaft played a lead role in attracting him to USF by stating what good things could be done here.

### **REPORT FROM STUDENT GOVERNMENT LIAISON GREGORY SANDERSON**

Last Thursday the Student Government sponsored two buses to drive to Tallahassee to participate in a march that was arranged by the Florida Student Association. The USF students arrived in Tallahassee and marched from FSU to the State capitol where some of the student body presidents of the different universities spoke regarding Bright Futures. They also had with them approximately 35,000 petitions. Mr. Sanderson stated that it was a very proud day to be a Bull because Student Body President Michael Griffin made the most moving speech of all.

### **COMMITTEE REPORTS AND ACTIONS**

a. Senate Elections (Jana Futch Martin):

Secretary Martin announced that the election process was underway, and the ballots have been mailed. The breakdown of the vacancies with nominations was as follows:

Arts and Sciences:	6 vacancies; 16 nominations
Business Administration:	1 vacancy; 0 nominations
Education:	2 vacancies; 3 nominations
Engineering:	1 vacancy; 1 nomination
Libraries:	1 vacancy; 2 nominations
FMHI:	2 vacancies; 1 nomination
Medicine:	5 vacancies; 7 nominations
Nursing:	1 vacancy; 1 nomination

Public Health: 1 vacancy; 2 nominations

St. Petersburg: 3 vacancies; 3 nominations

The Colleges of Engineering and Nursing will not have an election. The nominees will be automatically seated on the Senate. The deadline for receipt of ballots in the Faculty Senate Office is 5:00 p.m., Thursday, March 6, 2003.

The issue was raised regarding the *Bylaws* requirement that a Senator must take off one year before being eligible to serve another three-year term. It was recommended that this rule be reconsidered. President Paveza replied that the Bylaws Committee was in the process of making several changes to the *Bylaws*, one of which would be the potential to serve two back-to-back terms before being required to take time off. This recommended change, along with others, will be presented to the Senate at its April meeting.

b. Permanent Rules Committee (Fraser Ottanelli)

Senator Ottanelli announced that the Permanent Rules Committee held an organizational meeting on Friday, February 7, 2003. There were a number of issues of sustenance mentioned. One was that this committee would be discussing faculty rules, and not staff rules. The process and the results of this Rules Committee must reflect a true commitment to shared governance. The group requested a discussion on some kind of common document that would include the principles of shared governance, and it was made very clear by the members on the committee that whatever decision was made by the committee would then come back to the faculty for discussion and approval. On that basis the committee adjourned for two weeks. The Faculty Senate will be apprised of the outcome.

**OLD BUSINESS**

a. Resolution to support Provost concerning possible need to extend temporary rules for additional 90 days

Due to the absence of a quorum at the January meeting, this issue was tabled. The motion on the floor was to support the Provost's request for an extension, if need be, for an additional 90 days. The floor was opened for discussion.

Associate Vice Provost Smith was asked to explain where USF is in this process so that the Senators can get some sense of whether what they are being asked to do is moot by the time having moved forward. He was also asked what kinds of internal deadlines are there that should be outlined before proceeding with this motion.

Associate Vice Provost Smith responded that the rule promulgation process is controlled by the administrative procedures act. Promulgating a rule is legislatively driven and there are a series of deadlines that must be met in terms of posting and periods in which people can come forward and make comments, etc. One of the things to be discussed at the next Rules Committee meeting is to have someone from HR and the General Counsel's Office there to walk through what the deadlines are for that process. The rules that are in effect

now, and the one that received the most attention from faculty, is the rule on misconduct that was altered at the last Board meeting. The ones that remain in place will be receiving the attention of the Rules Committee in great detail, as well as discussion on rules of a much more general sense. Associate Vice Provost Smith did not have the calendar with him that gives the dates for changing those, but he added that he could send those out to everyone.

When asked what happens if the Senate does not approve, President Paveza replied that the Senate is not then prepared to support the Provost should he request for an extension of the current rules for an additional 90 days. President Paveza reiterated that he has already given the Provost his personal assurance that he, indeed, will support the Provost on that because of the realities that the university is faced with.

At this time, a motion was made and seconded to table discussion of this issue. The motion was passed and the issue was tabled.

## **NEW BUSINESS**

### **a. Student Academic Grievance Procedures**

As a recommendation of the Faculty Senate Executive Committee, these procedures were presented to the Faculty Senate as a motion made and seconded. President Paveza commented that for the first time if this should pass, there would be a common grievance procedure across all colleges for all degree programs. At this time, the floor was opened for discussion of the procedures.

Senator Robin Gordon from the College of Visual & Performing Arts relaying to the Senate a message from a colleague who sits on the policy subcommittee for the university Graduate Council, stated that under Section V., Resolution at the University Level, it is her colleague's understanding that the policy does not propose this hierarchy, which says that the Provost can delegate authority to the Dean of Undergraduate Studies or the Dean of Graduate Studies. It was felt that this was inappropriate that either of these deans could have authority over a college dean and the college dean's decision regarding grading. Senator Gordon wanted to address this because apparently this has already happened, not in her college, but in another college and it has created a lot of problems. There is some feeling, at least by the Graduate Council, that this is not an appropriate next step that, in fact, the Provost or the Vice President of Academic Affairs should be making that decision.

Commencement and Convocation Chair Joan Kaywell recommended that a range of time be indicated for a response time from a faculty member to allow for the possibility of that faculty member who might be attending a conference and, therefore, unable to reply within the given timeframe. In this manner, nobody would be in violation of the timeframe and therefore avoid delaying the process. President Paveza replied that it would be possible to recommend making amendments.

Navy ROTC Captain Richard Dick brought up the issue regarding the “Definition of Academic Grievance.” He pointed out that advising activity does not have anything to do with a student’s performance; therefore, he did not see any reason to include advising in this student grievance procedure. It was recommended that the process go back to academic advising. President Paveza commented that this procedure is set up largely for remedy related to grades. Army ROTC Lt. Colonel Joseph Kools agreed that the correct place is to go back to the academic advisor. He believed that it might be a prudent measure to keep the Dean of Undergraduate Studies and the Dean of Graduate Studies in the procedures. He also suggested that perhaps the Provost does not have time to facilitate and adjudicate all of these challenges, which could come up from the entire university

Senator Janice Fauske recommended the following changes: (1) have the students follow the established procedures at that campus; (2) page 5, no. 4, no reference as to whom the report shall be provided; (3) page 6, Item H, language drafted that states what happens if the grievance committee’s decision is not appealed; (4) page 7, second paragraph, specify the standards here so that the reader will know what the standards are; and, (5) first page in the last paragraph, there should be a point at which someone can step in and appeal the decision.

Senator Permuth suggested that the “Definition of Academic Grievance” be reworded so that it does not read that anything a student disagrees with can become an academic grievance. Senator Sara Mandell also suggested removing “instruction” from the definition. Her reasoning was that the university teaches disciplines that are controversial, and often students are upset with what is taught. If there is misconduct regarding instruction, there are other avenues whereby that can be addressed. It doesn’t need to be addressed in such a grievance policy. Senator Marion Becker added that she would like to see safeguards in the grievance procedures that do not add to the current pressure to give grades to students’ preferences.

At this time, President Paveza announced that the Senate was at the time limit for this debate, and that there were other issues that needed to be addressed. He observed that the Senate was not prepared to vote on this matter; therefore, he will refer it back to the ad hoc committee that started this project. President Paveza encouraged those who have comments and issues to submit them to those on the committee (including himself and Associate Vice Provost Smith for quickest access). The issue will be revisited. President Paveza pointed out that there are grievance procedures in place already in all the colleges. The real issue may be the fact that there are multiple procedures currently in place, which creates a problem when students take courses across colleges, because there is uncertainty as to which procedure takes precedence. President Paveza pointed out that part of the purpose of this Student Academic Grievance Procedure was to deal with that issue, and it is now clear it has not been dealt with sufficiently. Therefore, the procedures will be referred back to committee.

- b. Proposed Academic Policy 10-048 on Academic Freedom and Responsibility (Elizabeth Bird)

Senator Bird presented the following proposed policy statement on academic freedom:

Proposed Academic Policy 10-048 on Academic Freedom and Responsibility

The University of South Florida affirms the Principles of Academic Freedom and Responsibility. These principles are rooted in a conception of the University as a community of scholars united in the pursuit of truth and wisdom in an atmosphere of tolerance and freedom.

Academic Freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, to speak freely on all matters of university governance, and to speak, write, or act as a public citizen without institutional discipline or restraint.

On the part of the faculty, Academic Responsibility implies the honest performance of academic duties and obligations, the commitment to support the responsible exercise of freedom by others, and the candor to make it clear that the individual, while he or she may be freely identified as a member of the University faculty, is not speaking as a representative of the University in matters of public interest.

On the part of the Administration, Academic Responsibility implies a commitment actively to foster within The University a climate favorable to responsible exercise of freedom by developing and maintaining academic policies and processes in which the professional judgments of faculty members are of primary importance.

Senator Bird explained that these policies (10-048 and 10-049) were being introduced in the context of the current crisis of faculty governance. Governance at USF and at all Florida universities traditionally has been rather weak. This is not something that has happened recently but is inherent in the system. Unfortunately, it has become more obvious in light of recent events. The SEC wants to begin to reach out to the administration and the Provost and state that faculty governance at USF needs to be improved and strengthened. Senator Bird referred everyone to the handout distributed at the last General Faculty Meeting, which talks about the principles of shared governance. She added that the Senate has a role in developing these principles at USF. She thinks it is important not to wait for the administration to bring these changes about, but the Senate needs to initiate the changes. The two proposals that Senator Bird has written and passed through the Executive Committee are to try and establish the principles of shared governance.

All major research universities have in their basic policies a statement about academic freedom and responsibility. USF does not have this statement in its policies. The contract is the only place that academic freedom and responsibility policy currently

exists. Therefore, Senator Bird offered a proposed academic policy on academic freedom and responsibility, which would become an official policy at USF. The Faculty Senate cannot make policy, it can only recommend to the administration that they make policy. This is a motion to request that the administration put this policy into place. If the Provost wants it to become policy then it becomes policy relatively speaking.

She further explained that she wrote this from the AAUP principles of academic freedom and responsibility, which extends through the academic classroom, scholarship research and grade expression, to speak freely on all matters of university governance and to speak with the rights as a public citizen without institutional discipline or restraint. Some of this has not been in the contract before. This is an opportunity to create a policy that does not need to go to the BOT. Policies are not rules. Policies do not and have not expired, they are a continuing and evolving system. Senator Bird emphasized that it is important to have a clear statement of academic freedom that is rooted in what the faculty notion of what the university should be. We also need a clear statement of academic responsibility.

The Faculty Senate should now provide a statement of academic responsibility that not only states the faculty has a responsibility but that also the administration has a responsibility, which could be covered in the final paragraph. This essentially lays the groundwork for shared governance. Faculty make policies when it comes to academic issues. Senator Bird stated that this has not happened very often in the past, and thinks it is time it did.

President Paveza announced that the first motion to propose Academic Policy 10-048 came to the Senate as a motion seconded on behalf of the SEC. At this time the floor was opened for discussion. During the discussion, the recommendation was made to put in lower case in the first sentence the words “principles of academic freedom and responsibility” and add to that “as outlined below or as follows.” President Paveza announced that the time limit for discussion of this policy was passed and asked for a vote on the policy as submitted with the abovementioned minor changes. The motion was unanimously passed.

c. Proposed Academic Policy 10-049 on Peer Advisory Committee on Faculty Termination (Elizabeth Bird)

Senator Bird presented the following second proposed Academic Policy:

Proposed Academic Policy 10-049 Peer Advisory Committee on Faculty Termination

USF is committed to the principles of shared faculty governance. One of these fundamental principles is that faculty peers should have a significant role in judging the circumstances in which Administration is justified in terminating the employment of tenured faculty members.

Tenured faculty members who receive notice of actual or intended termination of employment will have the right (though not the obligation) to have the case heard before a committee of faculty peers. If they choose to use this option, they will notify the

Faculty Senate President, and the Committee will meet no more than 30 days after receipt of this request.

This committee, to be constituted under the authority of the Faculty Senate, will reach a decision as to whether the termination is justified, having heard both sides of the argument. Arguments will be presented in an informal hearing by the faculty member or one designated representative, and by one designated representative of the Administration. Each may furnish the committee with written documentation. The committee's decision, to be rendered within 10 days of the hearing, will be advisory, will not be binding, and it will not affect either the faculty member's or the Administration's rights and responsibilities under any existing laws or Collective Bargaining Agreements.

Senator Bird explained that this proposal carries on from Policy 10-048 in that essentially it states that USF has shared governance. Faculty peers should have a significant role in judging circumstances in which the administration is justified in terminating employment of tenure faculty members. This is again an AAUP principle that USF has a committee, which comes into play when somebody is terminated or pre-terminated, the committee then judges the circumstances and then creates a decision. The committee's decision is not binding on the university. The committee will not tell the university what to do, but rather that the decision by the committee is an advisory decision based upon what the committee feels is appropriate or inappropriate. This is one of the problems with recent decisions in that a committee was not in place. One year ago the Faculty Senate voted to have such a committee, but it never happened. With this policy, Senator Bird suggested that the Faculty Senate put this into official policy and get a committee into place and operating.

Academic Policy 10-049 was presented to the Faculty Senate as a motion seconded by the SEC. After a brief discussion, there was a call to question which was passed to cease debate on this policy. President Paveza then took a vote on the motion to approve Proposed Academic Policy 10-049 on the Peer Advisory Committee on Faculty Termination. The motion was unanimously passed.

President Paveza will forward both Academic Policy 10-048 and 10-049 to President Genshaft.

## **ISSUES FROM THE FLOOR**

- a. Senator Gurleen Grewal recommended that the Faculty Senate invite the Associate Vice President for Diversity and Equal Opportunity, Dr. Deborah Love, to come and speak to the Senate. Since it was the will of the Faculty Senate, President Paveza will invite Dr. Love to the next Faculty Senate meeting.
- b. Senator Ottanelli advised the Faculty Senate that the next meeting of the Permanent Rules Committee is Friday, February 28, 2003.

- c. Commencement and Convocation Committee Chair Joan Kaywell asked President Paveza is it would be possible on future issues of debate that Senators have time to think and reflect on what to say verbally? President Paveza replied that there are two options that can be considered as rules for the Senate: (1) A major motion to come before the Senate would come before the Senate, have re-discussion and then be referred back to the full faculty for Faculty Senators to take back to their colleges and departments and then they would not be voted on until the following Senate meeting. This could certainly be a rule that could be proposed, and could be enacted as a general policy. In addition, President Paveza requested that when Senators have issues with language and words, that the Senators prepare an appropriate amendment and submit it in writing to the Faculty Senate President so that they do not get into the position where people are recommending word changes where there is nothing that the Faculty Senate President can do officially because there is no motion on the floor to amend the language. This often causes discussions that end up going nowhere because the Faculty Senate President cannot take them anywhere. He encouraged members of the Senate that if they really want something changed, i.e., language they are unhappy with in a proposed motion to come before the Senate, that they take the appropriate action to propose an amendment and bring it to the Senate in writing and submit the proposed written changes to the Faculty Senate President before they rise to speak about it. In order to take some action with the text in front of the Senate, it requires something proposed as an amendment to the text. (2) The other option, which this Senate does not have, is a mark-up session. The Senate could have a session to leave the floor in which the Senate would do markups, which would give everyone an extra meeting.
- d. Senator Mandell recommended to the President that the Academic Policy on Academic Freedom and Responsibility presented by Senator Bird be framed and alongside USF's value and mission statements in various places at the university.

## **ADJOURNMENT**

There being no further business, President Paveza adjourned this session of the Faculty Senate at 5:03 p.m.