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Faculty Senate

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President Paveza called the meeting to order at 3:07 p.m. The revised agenda for today's meeting was approved as presented. Due to the fact that Administrative Assistant Ann Pipkins was involved in an accident several weeks ago that resulted in her having to curtail her work schedule for a brief period of time, approval of the Minutes for the October 16 meeting will be postponed until the January meeting.

COMMENTS AND REPORT OF THE FACULTY SENATE PRESIDENT (Gregory Paveza)

President Paveza welcomed everyone to the beginnings of the world of higher education after the passage of Amendment 11. He pointed out that as of January, when Amendment 11 takes effect, he will not only be President of the Faculty Senate but a duly constituted member of the University of South Florida Board of Trustees (BOT). President Paveza stated that the addition of the Faculty Senate President to the BOT is truly historic and merits some discussion by him and some consideration by this body. To that end he offered some thoughts about this change.

As the impact of what happened on November 5, 2002, began to settle he became aware that the Faculty Senate President is faced with a daunting task and one that carries with it the inability to make everyone happy. As a diverse faculty group with views ranging from the conservative to the liberal, the Faculty Senate President will need to try and represent all of those views. This means inevitably that votes cast by the Senate President will not please everyone. Be open minded to the fact that the Senate President will be trying to find that path which, in his or her opinion, reflects the greatest good for the university as a whole. In addition, President Paveza believes that the Senate will need to avoid giving its President marching orders that limit the ability of the President to truly represent all faculty or to use all of the information that may be available when casting a vote. He pointed out that the Senate and its members are going to have to place some degree of trust in its President to make decisions conscientiously and in a manner that is in the best interests of the total university community.

President Paveza believes that the Senate needs to revisit its constitution and bylaws concerning the election of the President of the Faculty Senate and the rest of its officers.
With the new responsibility of Board membership, the Senate may be served better by electing the President and other officers of the Senate for a single, two-year term. His motivation for doing so is that in order for the Senate President to be an effective member of the Board there must be some continuity. A one-year term of office will make it difficult for the Senate President to effectively join the Board, to understand its workings, and to come to be seen as a viable and contributing member of the Board. A single year term of office ensures that all too often just as the Senate President is coming to understand the workings of the Board and the personalities of its members he or she will be leaving the Board. Similarly, just as the other Board members are getting to know the Senate President they will find themselves all too often adjusting to a new person. This current structure, in the long run, will relegate the Faculty Senate President to being a peripheral member of the Board with little ability to effect change or to carry the message of faculty to the Board. A single two-year term ensures that the Faculty Senate President can make him or herself an integral member of the Board. All will understand that the Senate President will be a member of the Board for a substantial period of time. The Senate President will be able to build a base from which to be effective in advocating for the academic and research life of this university from a faculty perspective.

During the short time that President Paveza will be on the Board, he hopes to be able to be an effective voice for addressing what he calls "but not really's." He gave a couple of examples of dealing with the RA and TA tuition experience and faculty excellence awards to warrant a feeling of "we are all one university, the University of South Florida, but not really."

President Paveza addressed two rules that were to be considered by the Board at its meeting the following day. One has to do with misconduct and the other has to do with academic freedom. The rule on academic freedom is among the most conservative he has ever seen, so narrowly construed with so many attendant responsibilities on the faculty member in exercising that freedom, that one has to wonder whether it is academic freedom at all. The other, a rule on misconduct, appears so broad, since it contains an insubordination clause, as to make almost any behavior that a superior does not like as grounds for disciplinary action. He was also concerned about the hasty manner with which these rules and rule changes are being put forward for adoption. Yet there was no consultation with the Senate, or its leadership on these rule changes. President Paveza used this as another example of "we are all one university, we are all in this together, we are all important partners in making this university a great university, but not really."

President Paveza pledged to his colleagues, to his soon to be colleagues on the Board of Trustees, to the President, the Provost, the A&P Staff, the USPS personnel and to the students of this university, that as he joins the Board of Trustees, he will, at every opportunity, work with them as colleagues seeking to make this university great, but that when he believes that proposed actions will be detrimental to the educational and research life of this University or detrimental to the welfare of the faculty and others who strive to make this university great, that he will voice and vote that opinion.

PRESIDENT JUDY GENSHAFT

President Genshaft thanked Senate President Paveza for his comments, adding that he will be a strong and very important member of the BOT. She added that he made good suggestions and ones that will definitely be discussed.
President Genshaft pointed out that what is important to note in all of this (i.e. under Amendment 11) is that the University of South Florida (USF) will grow and be strong under any leadership that it has. She will continue advocating for the university, as is the provost and everyone else. They are staying with USF and the needs of USF and no matter who is governing, that is what they are about, and that is what they care about. Nobody knows at this point in time how Amendment 11 will be implemented. Now that the Board of Governors (BOG) is a separate body and not a statewide body any longer, no one knows when the appointments will be made. This is simply up to the governor.

President Genshaft indicated that what is at stake at this point in time is the construction PECO funds. She explained that with the passage of the class-size amendment, what is being considered at this point in time is to take funds from universities, colleges, and community colleges. These funds will be taken for construction and diverted to elementary and secondary schools or classroom buildings. Because of the classroom size amendment, they are obligated to build buildings as fast as they can to meet the needs of the elementary and secondary classes. There is a very big concern about this among schools of higher education. President Genshaft received advice from the budget director to band together with community colleges and universities as a unit to try to hold onto as many funds as possible for construction. Right now for USF that means construction rehabilitation of the chemistry labs. A new environmental sciences building is under way and the ground breaking should have been already started on that. There are several other academic buildings on the Tampa campus and the regional campuses that are currently underway that USF will try to protect as much as possible. President Genshaft pointed out that it is important to continue to build the university.

President Genshaft has been having lunches with faculty on a regular basis. In addition, she and Provost Stamps have been visiting different departments across the university to hear about departmental issues and what needs the departments have in order to make them stronger. One of the items that the people at one of the luncheons asked them to inform the Faculty Senate about are some of the different ways construction is done on this campus. President Genshaft explained that the construction for academic buildings is for academic buildings only. That money is academic money. It is not money that is used to build onto the Alumni Center. It is not money that is going to be used to build on the business school because that was a private endowment. It is not money that is used to build the athletic facility. That money is bonded on the basis of athletic fees and revenues, specifically revenue from the sales of Coke at the Sun Dome. It is not academic money. She emphasized that while there might be cutbacks in construction funding for some of the academic buildings, the construction of the athletic facility or the Alumni Center are completely separate funds that the university cannot use for anything else. There cannot be a crossover in either way. They are two separate funds.

President Genshaft announced that USF is moving ahead with a strategic plan. The Legislative priorities that will be put forth this coming year will again be basic funding for instruction monies that are part of what we are using for enhancing instruction, faculty salaries, and staff salaries that are the basic fundamentals of USF. For enrollment, USF is funded for the number of FTE's. USF is still looking for equity and receiving the same funding as the other universities. USF did receive some money last year and will be looking for some money this year, again, so that the amount USF pays per student is similar to other universities across the state. USF will still be going in with an aggressive construction fund hoping that it will not be diverted. We will also be asking for increases in faculty salaries.
President Genshaft announced that USF would be applying for a Center of Excellence grant which is the $30 million that the governor put aside last year for Centers of Excellence. There will be no less than two and no more than five universities supported on this grant. The proposal, which is due December 1, is led by Dean Louis Martin Vega of Engineering.

President Genshaft emphasized that the rules and regulations going into effect January 7, 2003, are temporary, 90-day rules and regulations. These are rules and regulations that all the 11 universities across the state are currently working on. There is a team of people here today who will be discussing the rules and regulations with you. She is relying upon this team to give her input and to discuss this with everyone.

**REPORT FROM THE PROVOST** (David Stamps)

Instead of giving a report, Provost Stamps announced that a team of people was asked to attend today's meeting to talk about the temporary rules and regulations. The team members were Associate General Counsel R.B. Friedlander who talked about the process and why it is necessary to put temporary rules into place. Associate Provost Phil Smith and Associate Vice President of Human Resources Trudie Frecker talked about the policies and rules that are being put into place. Ms. Frecker chairs the Human Resource Work Group which is the work group that works on rules and regulations. Mr. Smith is the academic representative to the Human Resource Work Group.

Ms. Friedlander first explained the process that has occurred because it sets the tone. Ms. Frecker will give the substantive part of the personnel rules that will be discussed at tomorrow's university BOT meeting and will probably be voted on.

As of January 7, 2003, under the school code, the laws that are in effect right now, Amendment 11 will be in effect too, though we do not know whether or not that conflicts with the school code at this moment, so we are going to follow the school code until a court of confident jurisdiction or other body tells us we cannot follow the school code. Under the school code on January 7, the university BOT becomes the employer. Therefore, personnel rules must be in place so it will enable the university to pay people, to give them their benefits, and to set up the terms and conditions of their employment. If there are no rules in place, USF does not have the authority to do any of the positive things as well as, what some would perceive, as the negative things. So that is why rules have to be in place as of January 7. Tomorrow's BOT meeting will be the last meeting of the whole board before that occurs and that is why they are being considered at that meeting.

Ms. Friedlander addressed comments about why the BOT meeting was being held in Lakeland. The meeting was scheduled to be held in Lakeland about a year ago because the university BOT held their meetings in Sarasota, Manatee, Tampa, and they made that commitment. That is why the meeting is in Lakeland, but it is an open meeting and anybody who wants to attend can do so.

It is her office's responsibility to make sure that the right process is followed in the promulgation of the rules, not the substance of the rules. The promulgating vice presidents for the rules are the ones who are responsible for the substance. Ms.
Friedlander is responsible for making sure that the process gets followed so that USF has legal rules for following the administrative procedures. This was done with respect to these rules. The first notice was sent to a newspaper of general circulation on September 5, 2002, that this would be happening. On November 13, 2002, a notice was sent to the president, staff, and directors to post the rules as they were at that time and that was done. That notice goes to 98 people and entities. On November 14, a notice was published in the newspaper of general circulation. This means that the process for the promulgation of rules was followed. The Faculty Senate is not on the list. United Faculty of Florida (UFF) is not on the list. The reason for that is, historically, they were sent to the people we have to send them to under the APA guidelines and we add anybody to the list who asks. To my knowledge UFF and the Faculty Senate have never asked, but that is a mistake. They should have been sent to them when they were first sent out on September 5. As of today, the Faculty Senate, UFF, A&P Council, and USPS Senate will be added to the list to receive policies, rules, and all upcoming notices on these matters. AFSCME is already on the list to receive the rules because they asked to be on the list.

At the BOT meeting on Thursday, USF will ask the Board to adopt the 90-day rules. These are emergency rules, and they only need to be adopted once under the administrative procedures act. If they are adopted tomorrow, they will be enforced beginning January 7, 2003, and will go until April 7, 2003, or 90 days. During that period of time, USF should find out who the successor employer will be.

Ms. Friedlander indicated that a notice would be sent to the Faculty Senate and the UFF in December with a list of public hearing dates. The first public hearing will occur sometime during the second week in January.

At this time, the floor was turned over to Associate Phil Smith for a few comments about context. He explained that the reason there is a need for a set of emergency rules is that the current collective bargaining agreement expires January 7, 2003. That expiration date is in the contract. It is an expiration date agreed to by both the Florida Board of Education (FBOE) and UFF. There is currently a petition that UFF filed with the Public Employee's Relations Commission (PERC) on October 1, seeking clarification on a set of issues. One of the issues is "Will the university BOT be named as the successor employer?" We know by statute, not withstanding the issue of Amendment 11, that the BOT will become a public employer as of January 7. The Board will take over the responsibility for operating, but whether they remain to be the successor employer, that is, do the functions, duties, and responsibilities of the FBOE pass to the local BOT, such as the responsibilities of administering the collective bargaining agreement, is not known. Nobody seems to know at this point. The UFF petition has said, if that is the case, then will we become what is called status quo on January 7, 2003? That is, will the collective bargaining agreement be extended? The impact and implications of Amendment 11 are being sorted out even as we speak. Does it mean, for example, that the BOG is to become the public employer as opposed to the local BOT? Does it mean if that is the case that they would be named the successor employer to the FBOE? Nobody knows. Those are issues up in the air at this point in time; therefore, it is necessary that the university put in place a set of emergency personnel rules just in order to be able to do business in the period that follows January 7, 2003.

There have been specific references made by several people concerning academic freedom and the rule concerning misconduct. What was necessary to do in anticipation of the fact that the contract goes away as of January 7, at least in the absence of a PERC
ruling to the contrary, was to be able to cover in-unit faculty in those emergency rules. Simply to utilize USF’s personnel rules in effect at the time would not be an appropriate thing to do. Therefore, some content (rules) were added, one of them being academic freedom and responsibility. Associate Provost Smith stated that the academic freedom and responsibility rule parallels exactly what is in the collective bargaining agreement now. It is practically the same words, references are deleted to the contract, but it talks about the freedom that faculty have now. It also speaks to academic responsibility, lifted again directly from the current collective bargaining agreement. It is not as if a bunch of new things have been introduced with respect to academic freedom. It is what is in the contract.

With respect to misconduct, there is a difference. The difference is that the current collective bargaining agreement makes reference to disciplinary action for just cause, and it says that disciplinary action can be taken for two reasons. If the act for just cause is incompetence and misconduct, it does not define misconduct. As it currently exists in the collective bargaining agreement, it is not defined specifically or by example. That, in essence, means it is up to the administration to determine what constitutes misconduct. If a disciplinary action is levied against any faculty member under misconduct, the burden of proof falls to the university to establish that, indeed, misconduct has occurred. That is the current provision. The emergency rule states examples of things that constitute misconduct. Insubordination has been specifically referenced. There have been some disciplinary actions issued for insubordination so nothing has changed in that regard. Whether or not to outline a specific definition of misconduct is open for debate. This is subject to clarification and the fact of simply looking at provisions in the contract. What will happen at the end of 90 days? Hopefully, it will have been made clear to us legally what the legal status of the university BOT is, or what the legal status for governors may be in respect to bargaining and, hopefully, we will be back at the table bargaining a new contract. Maybe we will even be under a status quo. If that occurs it means that the current contract will be extended. So that is essentially where we are with respect to the specifics.

At this time Vice President Frecker reiterated that general focus/feedback sessions would be starting in January. Committees will also be created to address issues that for years have been issues of concern for Human Resources. Out of those focus/feedback groups and committees, it is hoped to move toward permanent rules. Vice President Frecker pointed out that there was no guarantee that new rules could be created in 90 days. If it does not happen, modification will occur on the rules that are there. A couple of examples are that some years ago there was a lot of interest expressed in having a true benefits cafeteria type of plan. This has not been possible to do that under the current state structure. It is hoped this can occur when USF has more autonomy as its own employer. Those will not be quick do's, discussion about those issues will begin in January to see what the interest level is now since some years have gone by.

There is a lot of interest that has been raised on the USPS side about issues regarding leave. A committee will probably be put together to talk about some of those leave issues. Some of those kinds of issues will be ongoing. Vice President Frecker indicated that the old SUS employment rules would be abolished by January 6. Chancellor Memoranda would also be abolished. We are waiting to see which rules they would keep and what rules they would abolish because our authority is centered around the guidelines and rules of the FBOE. USF was waiting for the elections to see what was going to happen with Amendment 11. Although there has been a lot of time to work on things, it
was not known what the scope of authority was going to be. That is why there is a very
late presentation, and there are 90-day emergency rules because USF was waiting to see
what its authority would be in terms of those rules. Vice President Frecker gave the
following e-mail address for the purpose of receiving feedback from faculty:
cfsurvey@admin.usf.edu. It is monitored in her office by her assistant Nancy Ward who
will process feedback received on the rules.

At this time, the floor was opened for questions.

Question (Senator Gregory McColm): With the huge amount of work that has to be
compressed into a certain amount of time, what is the objection to simply extending the
contract itself into whatever emergency period required?

Response (R. B. Friedlander): We do not have the authority to do that. Today and until
January 7, the university has no authority and, in fact, it would not be enforceable in any
way if we were to make a promise that we would extend the agreement.

Question (Senator Sang-Hie Lee): We academics are trained and rewarded for thinking
differently, thinking of something new. Subordination is a matter of interpretation.
However, what is to prevent a dean from interpreting it differently?

Response (Phil Smith): The best way for me to respond to that is to give you some
examples and situations of the past that have resulted in disciplinary action under the title
insubordination. If a dean comes to us and says, I have a faculty member who
steadfastly refuses to sign their assigned faculty duties form, to sign their faculty activity
reports, etc., which has a potential of costing the university millions and millions of dollars,
repeated refusals to do those things that are legitimately directed, have resulted
previously in disciplinary actions based on insubordination. Can I tell you that a dean
would never presume the kind of thing you just mentioned? No, I cannot tell you that
would not happen, but I can tell you we would not pursue it, and we never have. When we
have repeated incidences of people refusing to do what they are legitimately required to
do, yes we have. And that does not change.

Question (Senator Sang-Hie Lee): Could you give examples in the document that would
be helpful?

Response (Phil Smith): We certainly could clarify that by sticking to those procedures.
This is interesting because that is the same argument at a different level that some people
have attacked defining misconduct in the rule saying that they are upset because
examples were given. So I guess it is just a matter of perspective.

Question (Past President Nancy Jane Tyson): I just want to point out that it is true that
most of the language in the plenary section of the rules is taken directly from the
bargaining agreement, but where it is different, it is crucial. I want to give you one
example of that. The third sentence from Article 5 in the bargaining contract reads, "an
employee in such activities shall be free to cultivate a spirit of inquiry and scholarly
criticism and to examine ideas in an atmosphere of freedom and confidence." That
sentence is changed to read "a university requires faculty employees to carry out their
duty and responsibilities in an academically responsible manner."

Response (Phil Smith): I would take issue with you that the sentence has changed to
read that. If you look at the format of the rule, it changes around the organization of the
article simply recognizing that all articles and collective bargaining agreements are written at a bargaining table, and that is one of the reasons that sometimes the wording is rather strange because they represent compromised positions at the table. This article has all the rule and all the guarantees that exist in Article 5. It speaks to all the recognitions of academic freedom. In some cases it combines several statements into one, but everything is there that was in the previous article.

Question (Past President Tyson): I would disagree, and I simply ask every faculty member to compare the academic freedom article for themselves in the contract with the new rule.

Response (Phil Smith): I would concur with that remembering that you cannot compare Line 1 versus Line 1 and Line 2 versus Line 2 because there is some reordering and synthesizing of information. I would encourage you to read for content.

Question (Associate Dean Kathleen Heide): What I am hearing though is a concern that there is no direct faculty input. I understand the circumstances, but I think I have a sense of what is driving this better than I did before. I understand that we have a 90-day period right now that we need to respond to. What I am hearing is that we can use e-mail, and there are focus groups, and committees for discussion. I think faculty would feel better if we could look systematically at this, whether it be a committee, whether a request would be put to Greg Paveza as the Faculty Senate President to assign individuals to this so that there would actually be people to talk with. To put this out in a global way and say that all the faculty can respond, you may not get the best because people are busy. My experience has been that if people are invited to sit at the table that we get better feedback. It was mentioned that some of this could be worked out in compromising the language. I would feel more comfortable, and I think the faculty would also feel more comfortable, if there were people sitting at that table when this is reviewed in the 90-day period and faculty were at that table for representing faculty so that part of that process would be in dialogue (not just reading it in e-mails).

Response (Phil Smith): During that 90-day period we will be back at the bargaining table on many of these issues depending on what happens legally.

The time limit was reached and President Paveza asked that the meeting move forward.

REPORT FROM THE USF UNITED FACULTY OF FLORIDA PRESIDENT (Roy Weatherford)

President Weatherford pointed out that the issues that have been discussed at today’s meeting are clearly important. They regulate the faculty's professional lives and contain some protections for academic freedom. President Genshaft and Provost Stamps have assured the faculty that it is not their intention to try to break the union contract. The President, Provost, and BOT could greatly reduce faculty concern by the simple expedience of issuing a statement of formal policy that it is their intention, voluntarily, to recognize the union and to voluntarily extend the contract as it is for six months. After that they will still have the upper hand. Under Florida's collective bargaining law to go to impasse means that the BOT gets to impose the resolution. It is not quite as unilateral as
it sounds, but it certainly makes the leverage that academic unions have in Florida much less than the leverage that real unions have in the real environment.

President Weatherford explained what can happen if there is a one-day interruption in the contract. They can say now we are going to negotiate a new contract. A new contract as opposed to a successor agreement means starting from ground zero. Each side makes a proposal, and there is no existing language that continues in the case of disagreement and ultimate impasse. Whatever protections there are for the faculty, whatever authority, ranks, and powers the union has, whatever has been gained in 25 years, can be wiped out in one day if they can successfully argue that the contract is not withstanding. That is why faculty have been asked to sign representation authorization cards. It is extremely unusual for a union to call for election in its own collective bargaining unit.

President Weatherford explained that the law says that the union continues to be a collective bargaining agent unless at least 30 percent of the people represented sign the card saying they no longer want, or at least they want to have an election to determine it. But that law also says that if the cards are filed and PERC orders an election, the status quo must continue under the terms and conditions of employment until the election is held, so that management cannot go around unilaterally changing things. It is the union's role that if the majority of faculty sign these cards to order the election, the Board will see that it cannot win, and avoid the necessary unpleasantness of the election process and voluntarily recognize the union in the contract at that time. However, they are not required to and may have an election.

All of this, however, can be completely reduced if the Board just says, if it is in our power we will do it. Although the President and Provost have said that it is not their intention to try to break the union and the contract, they have not said, that it is their intention to try to protect the union and the contract. President Weatherford invited them to say publicly what their strategy is, invited them to make a commitment to the faculty by saying they will protect their collective bargaining rights, and that they will not use this reorganization as a pretext for gaining advantages. He pointed out that President Genshaft and Provost Stamps told the faculty that when they passed this, they intended negotiating the collective bargaining agreement, and that the contract would continue until we placed our successor agreements, negotiated at the university level. Now they are saying this is not what they meant. What was meant is that they would not challenge or extend any existing contracts. He added that everybody says they have the power to regulate our past rules that will tell us what to do, but they do not have the power to pass the rules that protect our rights. This time next year faculty will be, again, worse off than they were before. The setback will probably go back five or ten years, and the faculty will have to fight to get that back.

REPORT FROM THE STUDENT GOVERNMENT LIAISON (Gregory Sanderson)

Student Government Liaison Sanderson announced that the Student Government has an additional unallocated $400,000 in service fees that were not budgeted for last year. The Student Government Budget Committee unanimously approved a request to allocate $50,000 to use to subsidize 250 to 500 students when, and if, USF plays a bowl game to be able to attend.
COMMITTEE REPORTS AND ACTIONS

a) Nominations from Committee on Committees

President Paveza presented the following list of nominations from the Committee on Committees for Faculty Senate Standing Committees and Councils:

COMMITTEE ON COMMITTEES NOMINATIONS FOR
FACULTY SENATE STANDING COMMITTEES AND COUNCILS

Fall Semester 2002

Commencement and Convocation Committee
  Carole Green (BUS)
  Jim Vastine (LIB)

Faculty Evaluation and Standards Committee
  Tapas Das (ENG)
  James Hensel (BUS)

Government Relations Committee
  Hector Vila (COM)
  Brent Weisman (CAS)

Graduate Council
  Carnot Nelson (CAS)

Honors and Awards Council
  Darlene Bruner (LKLD)
  James Pappas (BUS)

Instructional Technology & Distance Learning Council
  Neil Jordan (FMHI)

Research Council
  Richard Beckman (CVPA)

Undergraduate Council
  Terry Engle (BUS)
J. Brian Moorhead (CVPA)

University Honors Program

Rosann Collins (BUS)

This list of nominees came as a motion from the Committee on Committees, therefore, it was considered moved and seconded. After one point of clarification, the motion to approve the nominees for Faculty Senate Standing Committees and Councils was unanimously passed.

b. Bylaws Committee

President Paveza announced the following Senators who have agreed to sit on the Bylaws Committee for the Faculty Senate: Sara Mandell, College of Arts and Sciences as Chair, Steven Permuth from the College of Education, and John Ward from the Florida Mental Health Institute. A motion was made and seconded to approve these Senators as the Bylaws Committee for the Faculty Senate. The motion was unanimously passed.

OLD BUSINESS

There was no old business to come before the Senate at today’s meeting.

NEW BUSINESS

a. Senate Resolution 2002/2003-001

President Paveza indicated that Senate Resolution 001 is a resolution from members of the Senate Executive Committee and, therefore, it was considered moved and seconded. It is a resolution supporting the interim appointment of the Faculty Senate President to the USF Board of Trustees. The resolution asked that if there is a delay with the implementation of Amendment 11 and if the governor should request a replacement for Trustee Swygert, the Senate requests that the president of the university recommend to the governor that the person to replace Trustee Swygert would be the then-sitting president of the Faculty Senate.

Senate Resolution 2002/2003 - 001

A Resolution Supporting the Interim Appointment of the Faculty Senate President to the USF Board of Trustees

Whereas, the people of the State of Florida in the November 5, 2002 general election approved the Florida Higher Education Governance Amendment (Amendment 11);

And whereas, that Amendment when it takes effect appoints to the local Board of Trustees the President of the Faculty Senate;

And whereas, the University of South Florida Board of Trustees has recently
experienced the resignation of its only academic member, Trustee Patrick Swygert;

And whereas, it is conceivable that the Governor of the State of Florida may choose to appoint an interim member to the University of South Florida Board of Trustees to fill the vacancy created by Trustee Swygert's resignation;

And whereas, the Governor may seek advice from the President of the University of South Florida concerning who should fill that vacancy;

Now therefore be it resolved that,

The Faculty Senate of the University of South Florida urges that should the Governor decide to appoint an interim member to the University of South Florida Board of Trustees and should the Governor seek the advice of the President of the University of South Florida concerning the nominee, that the President recommend to the Governor that the interim appointment be filled by the sitting University of South Florida Faculty Senate President in keeping with the wishes of the people of Florida as expressed in the passage of Amendment 11.

Senator Sara Mandell asked why Trustee Swygert resigned. President Paveza replied that Trustee Swygert resigned, according to his prepared statement, because he had been asked to serve on two national committees at the request of the President of the United States, and he felt that the requirements of both committees were such that it was not possible for him to function as an effective member of the BOT.

President Paveza pointed out that only two people are named to the BOT and governing board, and the only people who clearly have a position are the President of the Faculty Senate and the President of the Student Government. All the rest of the people are appointed. These two positions are named in the amendment. By amendment, therefore, individuals holding these two positions are automatically members of the Board as of January when the amendment takes effect. It basically states that if there is a delay, this is what the Senate would like to have happen. There being no further discussion on this amendment, the motion to adopt Senate Resolution 1 was passed.

b. Senate Resolution 2002/2003-002

President Paveza presented the following as Senate Resolution 2:

**Senate Resolution 2002/2003 - 002**

A resolution requesting that USF administration postpone its decision to seek BOT approval of new rules affecting faculty conditions of employment.

Whereas, the USF administration has proposed that the USF Board of Trustees approve 16 new and amended rules at the BOT meeting scheduled for Thursday, Nov. 21, 2002,

And whereas, these rule changes will affect the conditions of employment for USF faculty members,

And whereas, the administration failed to consult with the USF Faculty Senate
before proposing these changes,

Now therefore be it resolved that,

The Faculty Senate of the University of South Florida urgently requests that the USF administration postpone the approval of any rule changes affecting faculty conditions of employment until after consultation with the Executive Committee of the Faculty Senate.

Senator Fraser Otanelli made the motion to adopt Senate Resolution 2. The motion was seconded and President Paveza opened the floor for discussion.

Senator Marion Becker asked what the ramifications, if any, would be if this resolution was passed. Associate Provost Smith replied that there must be emergency rules in effect on January 7 in order to do business. Senator Otanelli added that the faculty have no idea of the nature of these rules and what the impact will be. That is part of the question. There has not been an open discussion. There has not been any attempt to involve the faculty, so it asserts that they can do what they want to. However, he feels that faculty have a responsibility to say that any changes, whatever they may be, any rule that has to do with them should be discussed. The discussions should involve everybody and should not be presented at the last moment.

Senator Sang-Hie Lee asked that if during this interim time when it is not known what the status will be, is there an option to keep the current contract until the correct mechanisms are in place to establish new rules and guidelines that are satisfactory to everyone? Is there an option to continue using what there is instead of inventing something new for 90 days which obviously will change some wording that may have grave implications? Why not use that as an option? President Paveza replied that there was no one available who could answer that question at this point since General Counsel had left the room.

Secretary Jana Martin inquired as to why there was a sense of urgency that this must be done tomorrow if they say they are not doing this until January. She added that there are faculty who are on 12-month contracts who represent faculty issues who will be around the next two months. Commencement and Convocation Committee Chair Joan Kaywell was in agreement that there was time to seek more input without it being done immediately.

Senator Robin Gordon commented that if this statement clearly states that the BOT cannot negotiate with the faculty, that they cannot bargain with the faculty because they do not have the authority, then why do the faculty recognize the BOT’s authority to make up the rules and regulations? President Paveza replied that the BOT does have authority to pass emergency rules that take effect when the BOT becomes the governing authority. He pointed out that the rule changes do not take effect immediately but on January 7 when the BOT, by statute, has the authority to put rules in place.

At this time, Senator Alaa Ashmawy moved the following friendly amendment to the resolution: Whereas, the USF administration has proposed that the USF Board of Trustees approve 16 new and amended rules "as emergency rules for a period of 90 days to take effect on January 7, 2003," at the BOT meeting scheduled for
Thursday, Nov. 21, 2002. The motion was seconded and a debate occurred about clarification of the amendment. There was a call to question which was seconded. President Paveza took a vote on terminating the discussion of clarifying the amendment. The debate was terminated.

Everyone's attention was returned to the amendment which was to insert the words "as emergency rules for a period of 90-days to take effect on January 7." A standing vote was taken and the amendment failed.

Senator Ashmawy also recommended that there be a second amendment to this resolution that would propose that the current rules should be kept. There was a brief discussion of this second amendment. However, due to the fact that a decision as to which set of current rules were to be kept, there was a call to question to end debate. The motion to close debate was seconded and passed.

Present Paveza asked for a vote on Senate Resolution 2 requesting that the USF administration postpone the approval of any rule changes affecting faculty conditions of employment until after consultation with the Executive Committee of the Faculty Senate. The motion to accept the resolution was passed.

c. Senator Gregory McColm announced that the proposed language changes, with links, are on the UFF web site.

d. **December Senate Meeting:**

President Paveza presented a motion from the SEC that the December meeting of the Faculty Senate not be held except subject to the call by the President of the Faculty Senate. The motion was unanimously passed.

**ISSUES FROM THE FLOOR**

There were no issues from the floor for today's meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:55 p.m.