2010

AY 2009/2010 FS meetings minutes: 2010-04-28

Faculty Senate

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Faculty Senate President Laurence Branch called the last meeting of the Faculty Senate for the 2009-2010 academic year to order at 3:00 p.m. The Minutes from the March 31, 2010, meeting were approved as presented.

REPORTS BY OFFICERS AND COUNCIL CHAIRS

a. Officer Nomination Results and Pending Senate Nominations – Paul Terry

An updated list of USF Tampa Faculty Senate nominations was provided for today’s meeting. The following nominees, in addition to those presented last month, will begin their terms at the beginning of Fall Semester 2010: College of Arts and Sciences – Philip Levy, Adriana Novoa, and Elaine Smith; College of Behavioral and Community Sciences – Sondra Fogel and Kathryn Hyer; College of Business – Robert Welker and Richard Will; College of Education – William Young; College of Medicine: Bryan Bognar and Karl Muffly; College of Public Health – Wendy Nembhard and Alan Sear; and College of The Arts – Sang-Hie Lee. The College of Education is the only college that still has two vacant seats. It is anticipated that nominations will be forthcoming. Once those seats are filled, the Faculty Senate will be entirely populated to start the 2010-2011 academic year.

Officer nominees for next year were: Laurence Branch, President; Huntington Potter, Vice President; Sang-Hie Lee, Secretary; Arthur Shapiro, Sergeant-at-Arms; David Shapiro, Member-at-Large. There was a second nominee for Vice President. Even though the Secretary’s role is to rule on the eligibility of nominations, Secretary Terry took that particular issue to the full Senate Executive Committee (SEC) to be discussed. This particular individual had finished a three-year term and had not been re-nominated, and therefore the ruling was that this individual could not run for the position of Vice President. A motion was made and seconded to approve this list of officer nominations. Discussion was held.

As an alternate for Senator Thomas Bernard from the College of Public Health, and speaking on his behalf, Professor Kay Perrin asked if Dr. Branch can serve as president when he is no longer a Senator. President Branch responded that the Constitution states that the president’s term as Senator is extended during that term and is also extended for a three-year interval as a Senator following the term as president. Senator Elizabeth Bird thought it raises questions about the eligibility of the other person who was ruled ineligible because that person is indeed a Senator through this election interval, albeit not a Senator beyond the current term. Secretary Terry commented that he had received several e-mail messages on this situation, and saw this issue as being bigger than one person; therefore, referring it to the SEC as a whole. The current Constitution is for the USF Faculty Senate, but with the evolution of the USF System and each of the four campuses, President Genshaft mandated that each of those campuses were to develop
their own Faculty Senate Constitution. A revised *Constitution* will be brought to the Faculty Senate this fall that will be considered the USF Tampa Faculty Senate *Constitution*. In addition, a revised set of *Bylaws* will also be presented in the fall.

Senator Michael Gibbons asked the question under what rules were the same Senators grandfathered into the new Senate, or was this a state of exception? He add that if it is a totally new body, it means the previous body is no longer functioning. President Branch interjected that it is not a totally new body, as yet, because there is no new *Constitution*, as yet, so it is operating under the old document. Secretary Terry pointed out that all the new officers are from Tampa. Any reference to regional campuses has been deleted from the *Constitution*. Senator Gibbons added that according to the rule of law, procedurally, that new *Constitution* should have been in place long before now. The Senate is really now operating under ad hoc position. CEPI Chair Donchin commented that because the regional campuses are moving out of the current system does not change anything for the Tampa campus and the USF Tampa Senate. The idea that this is a whole new creation because of the other campuses becoming separate entities does not change anything for Tampa, and it should not be accepted.

Senator Steven Tauber returned to the question of how a non-elected Senator could become president if they are not an elected Senator. Past President Michael Barber opined that a past president is not considered a Senator. According to the apportionment, each college has a certain number of Senators and past presidents are not considered Senators but ex-officio members. Again, it was not clear to Senator Tauber how a past president could become president since the past president is not a member of the Senate and, therefore, is not eligible to become president. At some level, that gives the College of Public Health a third Senator when proportionally it is only entitled to two. How did that come to pass? And, if that is the case, shouldn’t it be specifically codified in the *Constitution*?

At this time, President Branch read from the *Constitution* Article II. Faculty Senate A. Membership, second paragraph, referenced in this discussion:

> Persons elected to the presidency of the Faculty Senate shall remain members of that body for three years following their terms as presidents. When presidents complete their elected terms as Senators, they shall continue as ex officio members of the Faculty Senate for three years after the expiration of their terms as presidents, provided that they remain members of the general faculty of the University of South Florida.

Senator Gregory McColm asked if the officers are elected from the elected Senators. That is, at the time they were nominated they were elected, or at the time they were going to serve they were elected. Secretary Terry replied that they were nominated Senators but they were nominated as officers, either self-nominated or nominated by a colleague. Senator Wendy Nembhard asked for clarification that if a person comes from a college that did not actually vote on them, are they representing the college. Who are they
representing at that point? Sergeant-at-Arms Arthur Shapiro opined they are representing the college. Secretary Terry commented that Senator Branch did self-nominate for one of the College of Public Health Senate positions and then, based upon the advice of the Parliamentarian, Senator Branch withdrew his nomination.

Senator Gibbons wanted to clarify that Dr. Branch is eligible to run for president because at the time of his nomination he was a sitting Senator. Dr. Branch responded no, that he was eligible to run because at the time of the nomination the Constitution said he would be a Senator for the three years subsequent. Senator Gibbons commented that is not the way it is interpreted. Senator Huntington Potter summarized the discussion as the Constitution states that certain people who end up being Senators for longer than their elected term as specified, still remain Senators, and, therefore, still remain eligible.

There was a call to question. The motion to accept the slate of officers for the 2010-2011 AY passed.

RECOGNITION OF OUT-GOING SENATORS – Laurence Branch

At this time, President Branch distributed Certificates of Appreciation to the following out-going Senators:

Senator Philip Amuso
Senator David Armitage
Senator Thomas Bernard
Senator Esteban Celis
Senator Emanuel Donchin
Senator Patricia Kruk
Senator Kingsley Reeves
Senator Barbara Spector
Senator Robert Tykot
Senator Michael Gibbons
Senator Gesselle Cenento
Senator Charles Gordon

Effective fall semester, USF Polytechnic Senator and Secretary Terry will be joining the Faculty Senate of that campus. He was presented with an appreciation plaque for his service to the USF Faculty Senate as Secretary for the 2009-2010 academic year. Recognition of other officers will occur at a later date as they will be serving a full term.

b. Call for Representatives for Committee on Committees – Ellis Blanton

Committee on Committees (COC) Chair Blanton explained that the Faculty Senate has approximately ten committees and councils that do the work on behalf of the faculty. The COC is made up of all Senators, and their responsibility is to review nominations for people filling the positions on these committees and councils and recommending to the SEC and the Faculty Senate who should fill those positions. Therefore, there is a need
for one Senator from each college to be on the COC. If there is only one Senator for a college, that Senator automatically serves on the COC. For a college with multiple Senators, that group needs to determine who will serve on the COC to represent that college. He pointed out that if no one volunteers from a particular college, that college has no voice on who serves on the committees and councils that represents that college. Work is done on-line two times a year, primarily once in the fall and once in the spring. There was a nomination form included in the materials for today’s meeting. Interested Senators should fill it out and turn it into Ms. Pipkins.

c. USF Policy 0-207 – Public Communications – Emanuel Donchin

A section in this policy addresses how members of the faculty are to respond to media requests for information. According to Vice President Hoad, the intent of that section was to encourage faculty to be cooperative with the media. However, one section of the policy says one can only talk about your “area of expertise.” CEPI felt it was important that it should be on the record that if it ever comes up in the future that this statement about area of expertise does not intend to limit the comments of the faculty member. Vice President Hoad is in agreement with this recommendation. Another item in the policy which CEPI felt needs to be on the record is that none of the faculty can speak for the university without obtaining permission to do so or being formally asked to do so and having it cleared by various committees. However, if a faculty member is asked to comment by a media person, it is important to determine that whatever the interviewer says about the faculty member and about who they are speaking for is irrelevant as long as the faculty member states they are a member of the faculty. A motion from CEPI and the SEC came to the Senate asking that the Senate approve this for the record as a statement of the sense of the Senate on the issues of public communication by faculty members. The floor was opened for discussion.

Provost Wilcox asked for clarification if this speaks to the balance between faculty rights and responsibilities; rights on the one hand to express opinion as a faculty member at USF, but with a responsibility that in certain circumstances one is not speaking on behalf of USF. CEPI Chair Donchin responded that the policy is detailed on the process by which any person needs to follow in order speak for USF. If anyone is asked to speak for USF, they must go through an approval process. Expressing one’s opinion does not mean if one has spoken for USF, but has spoken for oneself.

The Provost agreed that when the policy is read in its fullest extent, it is clear that the way CEPI Chair Donchin presented it here diminished the responsibility that a faculty member has in making it very clear that he or she is not speaking on behalf of the university. His interest is protecting the rights of the faculty member in the broadest sense. Senator David Shapiro commented that prudent behavior dictates that in these situations you say “yes, I am a member of the faculty at USF, but I am speaking only as an individual. I by no means wish to represent that I am speaking for the university.” If this is not stated, then it could be taken for granted (by media and readers) that one is speaking for the university, so it is the responsibility of faculty to disclaim that overall authority.
Senator McColm disagreed in that when people get upset over something a professor said or wrote, it is usually not because anyone was under the impression that that professor was speaking in some official capacity of the university. What they are upset about is some professor making a statement and asking whether or not the university took an official position on it. Therefore, if a professor does not claim to be speaking on behalf of the university, then he or she is speaking only on behalf of him/herself. United Faculty of Florida (UFF) President Dorn stated that on behalf of UFF, CEPI is consistent with the UFF position in the collective bargaining agreement, Article V. on Academic Freedom. The UFF position is consistent with the AAUP meaning of academic freedom. One is allowed to say “I am a faculty member here,” and if a journalist erroneously claims that a faculty member was speaking for the university, it is not the faculty member’s fault.

There was a call to question. A vote was taken on the motion that the Senate approve this for the record as a statement of the sense of the Senate on the issues of public communication by faculty members. The motion unanimously passed.

d. Language Regarding Instructors in Board of Trustees MOU – Emanuel Donchin

A MOU was recently signed putting into effect a career path for instructors. The Instructor Promotion Criteria is posted on the Board of Trustees (BOT) website. Some of the language in the policy was stated in such a way that it seemed to imply that teaching should be given to instructors instead of having faculty teach so they are free to do research. CEPI felt this was not appropriate, and that the Faculty Senate should express its view that this language would have been better stated, and more appropriate, if the following sentence about the use of instructors to protect faculty from teaching was deleted and the proposed language inserted:

Instructors help the University keep its status as a Research Intensive Institution and advance the University towards its strategic goals by carrying the heavy load in teaching and thus allowing the best researchers to devote more time to research provide a significant contribution to the instruction offered by the University and help the University to execute its instructional mission.

The proposed language came to the Senate from CEPI and the SEC with a motion to approve. The motion unanimously passed.

OLD BUSINESS

a. Proposed Revision to Ashford Distinguished Scholar Nomination Guidelines – Sang-Hie Lee

At a previous Faculty Senate meeting, the Honors and Awards Council (HAC) proposed a revision to 3.b Evidence of significance to the Ashford Distinguished Scholar guidelines by adding “global impact” to 3.b.2. However, there was a question from the Senate floor during that meeting as to the difference between global and international. It
was sent back to the council for further discussion. At today’s meeting, the HAC proposed to rescind the previously submitted revision and expand it as follows: Letters of endorsement by acknowledged authorities as to the nominee’s level as well as national and international status; and “documentation of impact on the global scholarship, demonstrated by number of citations, number of dissertation/books sold, and other narratives that describe broader impacts.” It came to the Senate from the HAC and the SEC with a motion to approve. The motion was unanimously passed.

REPORT FROM EXECUTIVE VICE PRESIDENT AND PROVOST RALPH WILCOX

Provost Wilcox extended regrets from President Judy Genshaft that she was out of town and unable to attend today’s meeting. She asked him to extend her deepest appreciation to all of the faculty for a job well done in this academic year.

Issues presented by the Provost included the following:

Budget

The budget for higher education was approved last week by both House and Senate leadership, and it now moves to the Governor for his consideration. It looks to be a flat budget with some variance across the university. The Legislature has made the decision to assume revenue collections through tuition increases in the coming year, as well as an 8 percent increase in graduate tuition, as part of that budget. However, those decisions have yet to be made by Boards of Trustees or approved by Boards of Governors.

Specific Items in the Budget relative to USF:

- Sixty million dollar reoccurring appropriation to USF Polytechnic to support its separate accreditation.

- Ten million dollar appropriation to USF Health to support the School of Pharmacy.

There are no new resources moving into the coming year. Tuition revenues have already been earmarked to offset some of the recurring budget cuts that are part of that approved budget.

PECO Allocation

The State Legislature has settled on approximately 400 million dollars in capital improvement allocation as follows: 35 million dollar allocation for the USF Polytechnic campus; 10 million dollar allocation for the new School of Pharmacy building on that campus, in addition to a 1 million dollar allocation as start-up planning and design funds for the next phase of construction on the Polytechnic campus. Tampa campus received 8 million dollars to continue toward completion of funding of the Interdisciplinary Science Teaching and Research facility. Tampa campus also received five million dollars for infrastructure and utility support, with smaller amounts for each of the USF St. Petersburg and Sarasota/Manatee campuses.
**USF System**

A copy of a draft USF System Strategic Plan has been distributed during the past several weeks. It is critically important that each of the member campuses of the System have an approved strategic plan. Now is the opportunity for everyone to provide input on the draft.

**Early Retirement Incentive Program**

Concern has been expressed that perhaps one or more faculty who applied for consideration in the early retirement incentive program subsequently, or concurrently, sought an alternative with USF. That being, if they elected to relinquish their tenured position and secure the requisite resources, other than State resources, to nonetheless remain on faculty at USF? The answer is yes. If any faculty has interest in going off the State payroll, relinquishing their tenured position, yet choose to remain on faculty with their position funded exclusively by non-State funding sources, this could happen. Any concern that may continue reverberating on campus about the notion of double-dipping can, and should be, quashed immediately. All such negotiations and discussions are being conducted on a case-by-case basis in full compliance with State law and university policy.

**Awarding of an Honorary M.D. Degree**

Provost Wilcox responded to a question from President Branch relative to the awarding of an honorary M.D. degree to a candidate in the up-coming College of Medicine commencement exercises. The question spoke to process and had that candidate’s name been brought forward through the Honors and Awards Council and then to the Faculty Senate. As the Provost has been told for the past three to four years, candidates for honorary M.D. degrees have not been brought to the Faculty Senate. Those matters have been addressed and recommendations have been forthcoming from the Faculty Council in the College of Medicine. Such was the case at the March 18, 2010 BOT meeting when the awarding of an honorary M.D. degree was approved. No question was raised at that point in time by any member of the BOT. Therefore, that award moved forward.

The Provost added that it would be in the best interest of the USF System to take a careful look at the most appropriate process that is followed. He recommended that in the near future, leadership from the College of Medicine be invited to meet with leadership of the Faculty Senate to seek clarification on the process and explore the most prudent path for the future. College of Medicine Senators Huntington Potter and David Shapiro concurred that the process should be reviewed. Senator Shapiro suggested that for the future that the Faculty Senate be looked to for advice and consent which will endorse a continuing sense of assimilation.

**English Language Institute**

The accrediting agency, CEA, has decided that given the change in administrative structure (moving it out of the College of Arts and Sciences into the new INTO USF Partnership), the continuing English language programs did not meet the standards of the agency for continuing accreditation. USF has responded; future updates will be provided as they occur. President
Branch commended the Provost for sharing this information with both the SEC and the Faculty Senate in a timely manner.

NEW BUSINESS

1. Senator Barbara Spector raised the issue that if a distance learning course no longer being offered can be sold or taught at another university by the professor. Also, if there are courses that a professor has developed and has offered them to his/her department and the department is not interested, is the professor free to offer them to another institution? What kinds of issues are there with these situations – conflict of interest or ownership of intellectual property? Provost Wilcox responded that it should be deferred to legal opinion. UFF President Dorn responded that it would fall under Article 18. Work, of the collective bargaining contract. Vice President Steve Permuth added that there is no simple answer, but there are issues such as the university claiming the property belongs to it and, therefore, should be consulted for approval and direction. Senator Michael Gibbons commented that if all the appropriate paperwork was submitted to the university, then it is property of the professor to sell as he/she sees fit. In response to Senator Spector’s question as to whom at the university should be contacted regarding this, the Provost replied it would be his office for Academic Affairs courses.

2. Observations from Vice President Steve Permuth:
   a. This body is moving toward a USF Tampa Senate. As of fall semester, there will be no representatives from the other campuses on this Senate. Within the hierarchy of the elected officers are two members of the College of Medicine. The attempt to integrate the Senate, although there may be different designs, is plausible and the Senate should congratulate itself.
   b. The dynamics of having a Faculty Senate President, a Provost, a UFF President and a member of General Counsel at the same meeting and the interchange of thoughts on issues of the principles of academic freedom was something he had not seen before.
   c. As this Senate moves into a unitary body, it is important to recognize that the Constitution is far from perfect. More action by faculty holding their grounds as citizens of the Senate will make this the Senate it is capable of being.

REPORT ON EMERGENCY PREPAREDNESS AND GUARDIAN 911 PROGRAM – Associate Vice President Alana Ennis

The Faculty Senate has been asked to allow a presentation on Emergency Preparedness for the University, but based upon feedback President Branch received from the SEC it may not be an appropriate venue for the Faculty Senate as a deliberative body. The issue of safety on campus is a concern to everyone and work needs to be conducted with the office of Public Safety to make sure there is broad dissemination of security on campus. However, a thirty-minute presentation
to the Faculty Senate might still not be the most appropriate avenue. Therefore, this presentation has been postponed until further notice. President Branch asked the Senators for input.

REPORT FROM STUDENT GOVERNMENT SENATE PRESIDENT PRO TEMPORE MATTHEW DIAZ

Mr. Diaz reported on the following student activities:

• The Student Senate unanimously passed a concurrent resolution between the Legislative and Executive Branches on the Tampa light rail initiative. A light rail forum was held to educate students on the program.

• Inauguration was held for the new Student Body President and Vice President, along with 51st term Senators. Elections were also held for Senate Executives. Mr. Christopher Randall was introduced as next year’s Senate President Pro Tempore and liaison to the Faculty Senate.

REPORT FROM USF UNITED FACULTY OF FLORIDA PRESIDENT SHERMAN DORN

President Dorn expressed his concern over two dangers in terms of the budget: (1) There is a small chance that the Governor may veto the entire budget which would put all public entities in limbo. (2) The Governor may veto the base tuition hike. There will still be differential tuition which could go up to fifteen percent. However, not everyone pays differential tuition, and thirty percent of differential tuition is reserved for financial aid. The base tuition hike is the best way to help plan for the end of federal stimulus funds. President Dorn anticipates that everyone (faculty, staff, and students) will receive a message with information on a web site where a prephrased message can be sent to Governor Crist encouraging him to sign the General Appropriations Act and not to line item any revenues for higher education. Everyone was reminded to use their personal computers, personal cell telephones, and e-mail addresses, not State resources.

ISSUES FROM THE FLOOR

Senator David Shapiro reported on the progress regarding the Hospital Albert Schweitzer in Deschapelles, Haiti. A relationship with the hospital could be an opportunity to develop an affiliation by the College of Medicine with an international focus. He has been in communication with the hospital. Dr. Shapiro is working with Dr. John Sinnott from Internal Medicine. There could also be a possibility for field positions for fellows in the College of Public Health. Dr. Shapiro would like it to be a university-wide process.

REPORT FROM FACULTY SENATE PRESIDENT LAURENCE BRANCH

Several years ago, as USF started to move toward a System, President Genshaft established the Intercampus Faculty Council (IFC). The IFC was originally set up with seven members, including the four presidents or chairs of the Senates or councils of the four institutions that were
on projectory for independent accreditation, as well as an additional representative from USF Health, USF Tampa-Academic Affairs, and the Vice President of the USF Tampa Faculty Senate. The Provost stepped in with helpful guidance to get the group to a structure that would enable a USF System Faculty Senate. He recommended a compromise solution for membership that would be eighteen members based on the following apportionment: 3 from each of the four separately (or to be) accredited institutions, plus 1 for each one hundred faculty members on the campus of the institution up to a maximum of 5. That would mean USF Tampa campus would have its base 3 +5 =8; USF Polytechnic would have 3; USF Sarasota/Manatee would have 3; and USF St. Petersburg would have 3 +1 = 4. The important and critical component of this model is the assumption, at the moment, that this USF System Faculty Senate would elect its president and that president would become the faculty representative for the BOT. The transition point is that it is no longer assumed that the president of the USF Tampa Faculty Senate will be the representative on the BOT, but rather would be elected by the eighteen members of the USF System Faculty Senate. That individual would serve a two-year term as president of the USF System Faculty Senate and a two-year term on the BOT.

Provost Wilcox added that the three regional institutions are advocating for equal representation – a four member, system-wide council. At the other end of the spectrum, President Branch is advocating for proportional representation. At this moment in time, there is an absolute void of a faculty governance structure that can reasonably address faculty, as well as academic needs. Ninety-nine percent of the academic policies are system-wide policies; therefore, the need for a system-wide faculty group.

There being no further business, the meeting was adjourned at 5:15 p.m.
ADDENDUM
Follow-Up Items
Faculty Senate

1. Provost Wilcox asked to provide FTE for the 2001 and 2008 benchmarks, as well as dollar support for people listed on the Institutional Growth, AY 2000/01 through AY 2008/9-Selected Measures handout (FS Mtg. 10-15-08).

2. Provost’s Office to look into whether a policy exists on what constitutes a dean search committee (FS Mtg. 02-18-09).

3. The CEOs of the USF Polytechnic and the Sarasota-Manatee campuses will be invited to attend a meeting of either the Senate Executive Committee or Faculty Senate to discuss organizational structures and issues that influence their campuses (FS Mtg. 02-18-09).

4. SEC comments on the system introduction and narrative to be forwarded to President Genshaft (FS Mtg. 11-18-09).

5. Suggestion from Provost Wilcox of a conversation among the Senators on the meaningful difference between a baccalaureate degree from a community college turned four-year institution and one from USF (FS Mtg. 11-18-09).

6. Invitation to Mr. Skip Holtz to attend Senate Executive Committee to which Senators would be invited (FS Mtg. 03-31-10).

7. Convening COM and FS leadership to seek clarification and explore process of awarding honorary M.D. degrees (FS Mtg. 04-28-10).