

2010

AY 2009/2010 FS meetings minutes: 2010-03-31

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FACULTY SENATE MEETING MINUTES

March 31, 2010

The meeting was called to order at 3:03 p.m. by Faculty Senate President Laurence Branch. The Minutes from the February 24, 2010 meeting were approved as presented.

REPORTS BY OFFICERS AND COUNCIL CHAIRS

a. Election Nomination Results/Officer Nominations – Laurence Branch

On behalf of Secretary Paul Terry who was out of town, President Branch reviewed the Faculty Senate election results for 2010/2011. The Colleges of Arts and Sciences (CAS) and Engineering were the only colleges to hold elections. The results were: CAS – Elizabeth Bird, Michael Coover, Carolyn Ellis, Philip Levy, Adriana Novoa, and Elaine Smith. A run-off election was held which was won by David Himmelgreen. Engineering – Shekhar Bhanasli, Scott Campbell, and Andrew Hoff. The following colleges had nominees who were unopposed, therefore, being automatically seated: Behavioral and Community Sciences – Lisa Rapp-Paglicci; Medicine – Nagwa Dajani, Cuc Mai, Andreas Seyfang, Donald Wheeler; and The Arts – William Hayden, Christopher Steele. Secretary Terry will contact the deans in those colleges that still have vacancies.

At this time, the floor was opened to receive officer nominations for next year. Senator-at-Large Rosalie Baum nominated Senator Arthur Shapiro for Sergeant-at-Arms. She also nominated Senator Laurence Branch as President. There were no other nominations. Officer nominations will be accepted in the Faculty Senate Office until 5:00 p.m. on Thursday, April 1, 2010.

b. Recommendations from the Committee on Committees – Ellis Blanton

On behalf of the Committee on Committees (COC), Chair Blanton presented a slate of nominations to fill vacancies on the Faculty Senate Committees and Councils. The recommendations came to the Senate from the COC with a motion to approve and seconded. There being no discussion, there was a call to vote. The motion unanimously passed.

OLD BUSINESS

There was no Old Business for today's meeting.

NEW BUSINESS

Senator Elizabeth Bird was asked by President Branch to lead a discussion on the issue of whether the Faculty Senate president can serve two consecutive terms. President Branch prefaced the discussion by pointing out that the current *Constitution* states that the president serves no more than a single two-year term. However, it is the expectation that come fall there

will be a new Faculty Senate. It will be the Faculty Senate of the Tampa campus and not the USF Faculty Senate operating within a new system. Senator Bird raised the issue that with USF being in transition everyone who has just been nominated or elected is under the current *Constitution*. Now, there is a situation where the current president has been nominated to serve a second term under what will be a new *Constitution* of a new Senate. There is a need for clarification because Senators have been elected under the old *Constitution*, but a president nominated that is to be elected under a new *Constitution* for a new Senate. She pointed out that this does not make sense, it is either a new Senate or it is not a new Senate. If it is a new Senate, there needs to be a way to grandfather in all the people currently elected. This also means the new officers being nominated now. The new Senate does not exist yet, there is no *Constitution* for it, and it is not known when a new *Constitution* will be created. The situation is that the current Senate is not covered by any of the existing documents, and it may be that there needs to be some extraordinary clarification of the situation so everyone knows under what rules they are being elected. The floor was opened for discussion.

CEPI Chair Emanuel Donchin commented that transitioning to a new system does not change the Tampa situation. The existing *Constitution* should be used until it is changed. Senator Gregory McCollm questioned how much will have to be restarted if the Senate decides to restart things? Provost Wilcox was asked to respond to which he commented that it was the business of the parliamentarian to do so because it seems to him (the Provost) to be prudent until such time to establish and approve a new *Constitution* to conduct business in accordance with the existing *Constitution*. He added that it cannot be speculated to allow a document that has not yet been considered, let alone approved, guide actions. Senator Bird replied that if that is the case and the old *Constitution* is used, the Senate faces an ambiguity about the situation related to the current president running for a second term, because the language in the current *Bylaws* is open to interpretation. It has been interpreted twice before. Once, when her term ended as president and she was the last president of a single term when the Senate moved to a two-year term. It was ruled that she was not eligible. A similar situation occurred when Past President Michael Barber was president and not allowed to serve a second term. The question now to the Senate is “Are we all agreed that the Senate is operating under the old *Constitution*?” If so, are we going to interpret the *Constitution* the same way as it was interpreted in the past or rule that, in fact, the language is ambiguous and should be clarified?

Dr. Donchin asked if there was anything in the *Constitution* that requires the Senate to accept a nomination for a new president at this session of the Senate. Is there anything that prevents the Senate from tabling nominations and asking the Senate Executive Committee (SEC) to review the *Constitution* in time for deciding how the election of the president can be undertaken over the next couple of months. Senator Bird responded that there is nothing to prevent that. Currently, officer nominations are open until Thursday, April 1st, but that could be suspended until the SEC has the opportunity to discuss it. Dr. Donchin made the motion that officer nominations be tabled and the issue be deferred to the Senate Executive Committee (SEC) for discussion.

Parliamentarian Kenneth Cissna was asked to read the Article III.B. of the *Bylaws* which pertains to term of office as it relates to the officers. “The term of office of the officers of the Faculty Senate will be one year with the exception of the President, who will serve a two-year term.” He commented that he does not think the language is at all that ambiguous. He sees nothing in the

Constitution that specifies the number of terms that any officer, including president, can serve. It might well do so. It is not uncommon in the *Bylaws* to specify some limit so that there is some turnover among officers and this document does not do so. Vice President Steve Permuth added that the new system will be one with many components. The new Senate will not be the constituency of the former Senate. This Senate will have no voice over the academic protocols of the other Senates, same for the fact that all Senates will be united under the Provost at the direction of the President in terms of working in collaboration toward a common goal and end. Is there any utilization in throwing out the old *Constitution* today for a new one? It would be absurd and of little relevance to do so. There is nothing in the current *Constitution* that denies any former president seeking another term. He sees great credence in retaining the *Constitution*. If a person wants to run for a second term as president, they should be allowed to do so.

Senator Randy Otto made a motion to revise the language to reflect that a second term is possible for president, former or current, and move on. Provost Wilcox added that a precedent has been established and, therefore, should be followed. Senator McColm pointed out that the *Constitution* is unequivocal about Senators running for a third term. He supported the motion made by Dr. Donchin that this issue be discussed by the SEC and to bring its recommendation back to the Senate in April. Past President Michael Barber added that this decision also impacts the term of the immediate past president who would be ex-officio for another two years.

Senator Bird pointed out that this discussion needs to be held because of past practices. This should not be about individuals. If the SEC and the Senate is comfortable with past practices then something is needed that clearly states that. Otherwise, it is an open question that people can come back to and it needs to be absolutely clear that everyone understands what the current interpretation is. She agrees it should be postponed to give the SEC an opportunity to deal with it. Vice President Permuth saw no reason to send it back to the SEC for discussion. This is a body as a whole. If it is the sense of the Senate that precedent prior to this point was in error and from now on a person can seek a second term as president, he would like the Senate to vote upon the issue today. Parliamentarian Cissna pointed out that it would not be possible to serve more than two years because there is a restriction on serving two terms. The president of the Faculty Senate must be a Senator; it is not possible for this body to elect a non-Senator. A person must be a Senator and can only serve two consecutive, three-year terms before sitting off a year.

President Branch summarized that there seems to be an implicit proposal for what the Senate does now and much of this discussion has to do with wording that will need to be put into the proposed new *Constitution* so there is no ambiguity. The issue on the floor today is under the present document, what should be done. There was a call to question.

President Branch asked Dr. Donchin if he still wanted the Senate to consider his motion of postponing the date of the nominations and refer the issue to the SEC for interpretation. Dr. Donchin agreed that the *Constitution* should not be rewritten in the Senate. Although it would be beneficial for the SEC to review the language for clarification, it appears that with the ambiguity of the number of restrictions in the document the Senate should be able to address the issue. Senator Otto's motion was not acted upon.

Vice President Permuth made the motion that the Faculty Senate body of the USF Tampa campus adopt a constitutional amendment, which will go through normal processes, that the President of the Faculty Senate is allowed to have a second consecutive term. President Branch commented that an amendment is not necessary because a new *Constitution* will be created and this conversation will be explicit in the new one. Therefore, Vice President Permuth's proposal is to allow the elected officers of the Faculty Senate in any position, including the president, to serve more than one term. This was the motion as clarified by President Branch. The motion was seconded and passed with 2 abstentions. The majority voted to accept the proposal that for the coming elections for Faculty Senate officers under the current *Constitution*, the interpretation is inconsistent with prior traditions, consistent with the Parliamentarian's reading of the words themselves that all officers, including the president, can run for more than one term. This is what was approved.

REPORT FROM PRESIDENT JUDY GENSHAFT

President Genshaft introduced Mr. Mark Walsh, USF Government Relations Lobbyist, to bring the Senators up to date on Legislative events.

Mr. Walsh focused on two issues:

1. The Senate is proposing to convert the FRS to an employee contributory system where every employee would pay one quarter of one percent of their salary into the system. It appears that it will be passed by the Senate. If a State employee leaves the system, all contributions can be taken with them, but with no interest.
2. The House is proposing to eliminate the health subsidy payment to FRS. The reason given is that the State can no longer afford paying the subsidy.

Budget Issues:

- The Legislature has been convinced that USF is an economic engine orchestrated by the New Florida Initiative. USF could see a 5 ½ percent increase.
- An increase in differential tuition fees is on the horizon.
- USF could receive 60 million dollars in new construction funds.

Mr. Walsh commented that overall, things are looking better for USF than originally thought.

President Genshaft reported on the following item:

- With the approval from the Board of Governors for USF to establish a four-year Doctor of Pharmacy Degree Program, licensing approval must now be granted by the Florida Legislature. The program will be started at the Tampa campus as a part of USF Health, which it has and is a PharmD program with Dr. Kevin Sneed as the Dean of Pharmacy. It will be approved at USF Health Tampa campus. Therefore, USF has a marquee four

degree program that will be approved and accredited on the Tampa campus because this is where the network is. Should the funding be available, this program can be set up at other sites such as the USF Polytechnic campus but would be a part of the USF Health program no matter where it is located.

REPORT FROM EXECUTIVE VICE PRESIDENT AND PROVOST RALPH WILCOX

Provost Wilcox began his report by commenting on the budget as follows:

- Across the USF System 23 million dollars of economic stimulus funding will be disappearing in 2011. The Tampa campus will lose 14 of the 23 million dollars; 10 million of which is in Academic Affairs. This represents less than 10 percent of USF's state appropriations. Unlike many universities in the State of Florida and other states, USF has no tenured or tenure earning faculty being paid out of economic stimulus funds. However, there are some staff positions that are funded by these dollars. USF has been preparing using a multidimensional approach. Although the Florida economy is expected to "tick up" next year, expenditures on the part of the State are anticipated to grow as well.
- There will be no new recurring resources next year, so the prospect of hiring tenure and tenure faculty members is going to be significantly limited.
- Primary focus will continue to be the commitment to serving the needs of students currently enrolled at USF, to maintain regional professional accreditations, to maintain the quality of academic programs, and serving the scholarly, research and creative activity of needs of faculty.

Other reported issues were:

- Dr. Jay Hopler, Department of English, is a recipient of the Rome Fellowship, a very prestigious award granted by the American Academy in Rome. He will spend next year in residence in Rome pursuing his work in poetry and literature. Everyone was encouraged to extend congratulations to him if given the opportunity.
- For the first time in USF's history, two undergraduate students have been awarded Barry M. Goldwater Scholarship and Excellence in Education Scholarships for the 2010-2011 academic year. They are Juan Baso, majoring in chemistry, and Amber Schmidt, majoring in biology.
- On Thursday, April 1, the Undergraduate Research Symposium will be held in the Marshall Student Center Ballroom beginning at 8:00 a.m. All were encouraged to attend.
- The fourth of four campus-wide forums on Student Success will be held on Thursday, April 1 in the Health Science Auditorium between noon and 1:30 p.m.

- Interviews for finalists will begin for the Director of the School of Global Sustainability. Members of the Senate Executive Committee (SEC) will have the opportunity to participate in the process. There will also be open sessions to which all members of the university community will be invited.
- The dean search for the College of Marine Science is well underway. It will continue through the summer months and possibly into the fall semester. Members of the SEC will be given the opportunity to participate as the search continues.
- Acknowledged a three-day symposium held at USF that was jointly organized by the Colleges of Arts and Sciences and Public Health that focused on Afghanistan and Pakistan and the role of regional actors or other nations in the region in the future governance in that region.

REPORT ON EXPORT CONTROL LAWS – Gerard Solis, Senior Associate General Counsel

Mr. Solis attended today's meeting and presented previews on upcoming trainings and how export control is an emerging area of law that impacts university researchers and research. Export control laws have been in effect in the United States since the 1970's. They affect the types of information that can be shared with foreign countries, including foreign nationals who are citizens of those countries regardless of where that transfer of information occurs. Export control laws will be a fact of life for the faculty at USF. The information he reported at the meeting will be provided to the Senators electronically at which time input can be given.

REPORT FROM STUDENT GOVERNMENT SENATE PRESIDENT PRO TEMPORE MATTHEW DIAZ

Mr. Diaz reported the following items:

- Student body elections were recently completed. New Student Government President/Vice President is Cesar Hernandez/Spencer Montgomery. They also completed their fifty-first term Senate elections. Inauguration of newly elected officers will be held April 22, in the Oval Theatre, at 4:00 p.m. Everyone is welcome to attend.
- The Activity Service Recommendation Committee completed the annual budget process. The 11.5 million dollar budget was passed by the Senate. The budget will now go to the Student Body President, the Vice President of Student Affairs, and President Genshaft.
- A new initiative called USF Day will be kicking off on April 9.
- At the April Faculty Senate meeting, he will present the new Senate President Pro Tempore who will be the new liaison to this body from the Student Government.

REPORT FROM FACULTY SENATE PRESIDENT LAURENCE BRANCH

President Branch commented that he was feeling optimistic and wanted to make one fundamental appeal to President Genshaft. That is, as the university transitions toward a corporate culture, there is an upside in that there is a certain accountability factor that has merit in various applications. The downside, as he sees it, a criterion is often imposed on whether a policy, a practice or proposal is legal or not, not the criterion on whether it is right or not. President Branch asked President Genshaft that USF embarks on a course that is guided by the criterion that is right, not what is legal, but what is right. He expressed profound gratitude that the President's Office might have an increased understanding of shared governance gives him some sense for optimism.

President Branch continues to appreciate and is grateful on how the Academic Affairs leadership is proactive in soliciting faculty input.

He is still concerned about USF Health in that it decided it needs Distinguished University Health Professors. That strikes him as not being consistent with being one university. In addition, he was recently concerned about USF Health offering an honorary degree to the person of their choosing without going through the Honors and Awards Council. In order to have one university on the Tampa campus, USF Health needs to understand the role of shared governance with the whole faculty, not with just the faculty of the colleges within USF Health. He is optimistic that progress will continue to be made with USF Health.

President Branch asked for a motion to authorize him to communicate, on behalf of the Faculty Senate, to the two recipients of the Barry M. Goldwater Scholarship how proud the Senate is of them. The motion was seconded and unanimously passed.

REPORT FROM USF UNITED FACULTY OF FLORIDA PRESIDENT SHERMAN DORN

UFF President Dorn reported on the following items:

Things that have happened since December 1, 2009

- A MOU that created domestic partner health insurance stipends.
- The creation of an early retirement incentive program.
- A MOU was ratified collectively on instructor promotion tracks.

Other

- There will possibly be a bargaining session within the next two weeks. Salaries cannot be negotiated until a budget has been approved.
- Of concern are the more than ten bills that would affect the Florida Retirement System benefits including the health care subsidy. There may be some additional by-weekly extras from Senator McColm and President Dorn on this issue.

Provost Wilcox and Senior Vice Provost Dwayne Smith gave a general overview on the early retirement incentive program. The number of applications received across the USF system was 59 (48 in Academic Affairs). All have been informed that their applications have been accepted and will be funded. Approximately one-quarter of the group will be leaving either in May or August with the bulk exiting in December. Provost Wilcox added that he is concerned with the loss of this number of faculty and the ability to maintain quality of academic programs for graduate and undergraduate students. Additionally, he continues to be concerned about the impact on research, scholarly and creative aspirations at USF. His immediate concerns are ensuring continuing accreditation (both regional and professional) and USF's ability to deliver the courses that are already scheduled for fall semester. The primary concern is serving the needs of the students and protecting the interests and support necessary for tenure and tenure earning faculty at USF. The cost to the university is in the vicinity of 7 million dollars. The savings, which is not net, is approximately 5.5 million dollars in rate. The Provost added that the university is not going to embark on searching for tenured and tenure-earning faculty not knowing whether they can be sustained through their probationary period. The list of faculty who are in the program has been released to the deans who will share it with department chairs.

ISSUES FROM THE FLOOR

President Branch reminded the Senators that the deadline for nominations for officers is 5:00 p.m., Thursday, April 1, 2010.

There was a discussion of asking the new football coach, Mr. Skip Holtz, to talk to the Faculty Senate at its April meeting, but due to scheduling conflicts that will not be possible. Instead, President Branch will invite Mr. Holtz to give a presentation at a Senate Executive Committee meeting to which an invitation would be extended to all Senators to attend that particular meeting.

Senator Gregory McColm reminded Senators that the Legislature has one month left to meet, and he encouraged everyone to contact the Legislators about whatever each individual feels is important. He emphasized short letters be sent addressing a single topic. Legislators need to hear from individuals from USF. They are interested in what constituents have to say. Senator McColm pointed out not to use university equipment when communicating with the Legislators. Instead, use a personal computer when communicating as a constituent.

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. President Branch to appoint an ad hoc committee to examine whether or not due process was followed in the dismissal of a faculty member (FS Mtg. 02-18-09). Graduate Council Chair Strange accepted the responsibility of looking into this matter.
3. Provost's Office to look into whether a policy exists on what constitutes a dean search committee (FS Mtg. 02-18-09).
4. 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).
5. SEC comments on the system introduction and narrative to be forwarded to President Genshaft (FS Mtg. 11-18-09).
6. 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).
7. Invitation to Mr. Skip Holtz to attend Senate Executive Committee to which Senators would be invited (FS Mtg. 03-31-10).

Completed Items

1. Congratulatory letters sent by President Branch on behalf of the Senate to Mr. Juan Baso and Ms. Amber Schmidt, recipients of the Barry M. Goldwater Scholarship and Excellence in Education Scholarship.