

**University Faculty Senate Meeting**  
**Minutes**  
**Friday June 5, 2009**  
**Circulated June 9, 2009**

1. The UFS meeting was called to order by Tim Lenz at 2:07 p.m. The meeting took place in the BOT Room located on the third floor of the Administration Building, on the Boca Raton Campus, and via video conference at the Treasure Coast Campus, the MacArthur Campus, the SeaTech Campus, the Fort Lauderdale Campus, and the Davie Campus.

Members Present: Edgar An, Bruce Arneklev, Pierre-Philippe Beaujean, Bill Bosshardt, Ernest Brewer, Doug Broadfield, Eric Chiang, Philippe d'Anjou, Marshall DeRosa, Lester Embree, Nurgun Erdol, Nwadiuto Esiobu, Deborah Floyd, Stuart Galup, Peggy Goldstein, Jerry Haky, Mike Harris, Fred Hoffman, Sam Hsu, Mehdi Kaighobadi, Evangelos Kaisar, Doug Kanter, James Kumi-Diaka, Kevin Lanning, Tim Lenz, Yanmei Li, Stephen Locke, Tom Monson, Abhijit Pandya, Howard Prentice, Marguerite Purnell, Markus Schmidmeier, Leslie Siegel, Lydia Smiley, Khaled Sobhan, Beverly Warde, Julie Honeycutt

Guests Present: Michael Armstrong, Diane Alperin, John Pritchett, Manhar Dhanak, Francisco Presuel-Moreno, Karl D Von Ellenrieder, Richard Granata, Sarah Brown, Douglas McGetchin, Kristen Murtaugh, Rosalyn Carter, Aron Temkin, Hugh Miller, Larry Liebovitch, Woody Hamlin, Charles Carter, Stuart Glegg, Kim Dukhong, Mehmet Gurses, Penelope Lutyee, Chaouki Ghenai, M. Arockiasamy, S.V. Vishwasrao, Johnnie Stover, Oliver Buckton, Clifford T. Brown, Ken Keaton, Robert Cooper, William Bober, Jonathon Bagby, Valentine Aaho, Zvi Roth, D. Raviv, Tsung-chow Su, Heather Coltman, Pat Bernitis, Jung Jin Choi

2. The UFS meeting minutes from April 24, 2009 were approved.
3. President's Report:
  - Advisory Council of Faculty Senate  
Universities did much better than expected in the state budget. A change in the political climate means increased support for the value of universities and their role in economic development. Federal stimulus money also helped. Federal stimulus money could be used to preserve jobs.
  - The Board of Trustees met May 27<sup>th</sup>, 2009 on the Port St. Lucie campus. A joint session with Indian River State College indicated that FAU's relationship with community and state colleges is complicated in terms of programs and geography. The BoT Audit and Finance Committee meets June 10, 2009. One of the items on the agenda is a proposed regulation on textbook adoption. Faculty are encouraged to support students by controlling

textbook costs, because students supported faculty by lobbying for tuition increases.

#### 4. Action Item

- The impact of University budget reduction and academic reorganization actions and plans.
  - A document that highlighted the academic reorganization of the College of Engineering and Computer Science (COECS) into three academic departments and four functional programs/units was distributed. See attached document. The layoff of tenured faculty and the reorganization plan/action prompted the call of this special meeting.
    - Fred Hoffman raised a point of order. According to the UFS Bylaws, academic reorganization is within the purview of the UFS. Reports that the administration is acting to implement an administrative reorganization for the College of Engineering and Computer Science without required action by the UFS are a cause of concern. Senator Hoffman requested that any such action prior to the UFS consideration and approval be declared null and void. The Constitution and Bylaws of the University permit the President of FAU to veto any action of the UFS, but they do not permit the administration to bypass the authority of the UFS. Article II of the bylaws was quoted and is listed in the attached supporting document.
  - Tim Lenz explained the origin and development of the plan for a functional reorganization. Minutes of the COECS meeting indicated that the plan resulted from a two-day workshop in January. Lenz's statement that members of the College Policy and Development Committee were in attendance at the workshop was challenged by COECS faculty who stated, "No, they [faculty] were not in attendance."
  - Dr. Nurgun Erdol addressed the senate to provide information about the academic reorganization. The COECS executive committee (which consists of the dean, associate deans, chairs and others) attended the two-day workshop with Dr. Susan Clemmons, the consultant hired to assist with reorganization. Clemmons organized a two day workshop to discuss college efficiency and faculty were not invited and did not attend the workshop.
  - Erdol called a faculty assembly meeting and formed an ad hoc committee of the College Policy and Development Committee members, including the chair of the personnel committee, which held a series of meetings to which Dean Stevens and Dr. Diane Alperin were invited.
  - In response to a question about how faculty were assigned to the functional units, and whether the categories were mutually exclusive, Erdol replied that the assignment criteria were not defined, and the

categories were exclusive, but faculty could perform duties in other categories. Dr. Alperin stated that the assignment criteria were defined in a communication to faculty. In May, faculty received a letter indicating their assigned functional category.

- In response to a question about whether the College faculty took any action in disapproving or approving the reorganization, Erdol replied that the reorganization was not voted on by the faculty. After deliberations, the ad hoc committee issued resolutions stating that they did not approve the functional reorganization.
- Diane Alperin reported that the functional reorganization was presented to the College faculty. On February 26<sup>th</sup>, the dean sent information to all of the faculty and staff about the budget and the budget timeline and the plan for reorganization; on March 13<sup>th</sup>, the provost and dean attended a meeting where the budget and reorganization was presented and discussed; in April, the reorganization was explained to students.
- In response to a question about whether the functional programs/categories were mutually exclusive, Erdol replied that the dean described the categories were just primary units and faculty could teach in other areas. Chairs and the dean decided who went where. In response to the question whether faculty had any part in the decision making, Erdol replied that it was strictly an administrative decision.
- In response to a question about how five tenured faculty could be fired/laid off, Sharmila Vishwasrao, the chief negotiator for UFF, explained that the contract provides that tenured faculty can be terminated for incompetence, misconduct, program eliminations and certain academic/program reorganizations. The COECS reorganization assigns each faculty to one of the four functional units, even though they can perform duties across all four units. She said that it seemed that these functional units served no other purpose than the creation of a unit consisting of only associate and full professors or only tenured professors. The Collective Bargaining Agreement specifies the order in which faculty are laid off: non-tenured faculty must be laid off before tenured. The one functional unit where the layoffs occurred had only tenured faculty. There were no curriculum changes made, and no programs have been shut down to justify layoffs. The faculty members who have received layoff notices still have courses scheduled to be taught in the fall, so there are no cuts and program changes. Sharmila also described as shocking, the fact that tenured faculty were laid off with almost no notice. Most of the notified faculty are not working this summer, so there is not a single day of paid notice, which is a shocking departure from professional standards. There ensued a discussion of American Association of University Professors standards for censure.
- There was a question about the reasons for the reorganization, and whether administrative or other costs were saved. Lenz stated that that

the documents he has read reveal two reasons. The first reason is budgetary, which seems to be the primary reason in the written documents (e.g., minutes of meetings). The second reason is academic reorganization, which seems to be the reason for the layoffs.

- Marshall DeRosa stressed the importance separating faculty union issues from academic issues. He recommended a motion to not recognize any re-organization of the College that does not follow established procedures. Faculty authority over curriculum needs to be protected from administrative attacks or evasions.
- There was a discussion of whether motions were timely. Lenz said that a faculty member asked him to ask university-level administrators whether the functional plan had been implemented yet. Erdol replied that some of the functional unit heads had been selected but the curriculum have not been decided yet. Provost Pritchett said that the plan has not yet been implemented. It is a proposal for implementation and will be presented at a Board of Trustees committee meeting on June 10, 2009. After some discussion, it was determined that the reorganization will be presented as an informational item at the June 10<sup>th</sup> committee meeting. The Provost stressed the importance of getting the right people to address the issues so that information is not second or third hand. In response to a question about whether Dean Stevens was invited to this meeting, Lenz replied that he was but he had a prior commitment. It was noted that the dean was invited on short notice after the special meeting date was scheduled.
- Diane Alperin said that the reorganization followed the procedures of the College of Engineering Bylaws: “Any proposal to create, transfer into the College, transfer out of the College, merge or abolish a department or a program of the Faculty must be presented to the Dean, the Policy and Development Committee, and the Executive Committee for their recommendations. If personnel matters are involved, the recommendations of the Personnel Committee shall also be obtained. These recommendations shall be presented to the Faculty in a Meeting of the Faculty...” Alperin cited documents showing that those committees were given information, and the College Bylaws require the Faculty be presented with reorganization plans, not approve them.
- Lenz said that Fred Hoffman’s point of order referred to the UFS Bylaws, which require UFS approval of academic reorganizations such as the COECS reorganization, which is of general concern to the faculty.
- In response to a question about how tenured faculty could be laid off if the reorganization had not yet been approved by the Board of Trustees, the Provost said that the Engineering faculty received notices of layoff, but they were not yet laid off. There was a discussion of whether the layoffs and reorganization plan was going to be presented to the BoT at the June 10<sup>th</sup> meeting. Alperin noted that it was an informational

item, not an action item, and that the plan would be presented for approval at the next full Board meeting. There were questions about whether a BoT committee could approve the re-organization without the full BoT.

- Faculty commented that the four functional units were set up for the purpose of firing tenured faculty, and that Florida Atlantic University would soon become famous for disregarding tenure which will hurt recruiting, retention, and the reputation of the University. There were comments about the University being on the AAUP censure list. Erdol quoted the dean as saying that the purpose of the restructuring was not for layoffs. A senator asked whether a professor assigned to the “research” functional unit, for example, could have his/her employment status changed by being assigned to another unit. This was one of the concerns raised by the initial draft of the policy creating a graduate faculty: the worry that a graduate faculty member could be terminated by being assigned only undergraduate teaching. The COECS plan seems to link employment status and annual assignment, thereby eroding tenure in the academic department. Lenz quoted a COECS document describing faculty and tenure as “linked to a node in a matrix.”
- In response to a question whether there is any precedent for this sort of organization for Colleges of Engineering across the country, whether this is part of a trend, Erdol said that she does not know of any; faculty were told there would be layoffs in order to meet budget reductions. In response to a question about the new administrative structure, Erdol said that it would be a matrix. The department heads are not yet known and some of the functional unit heads are proposed but not yet known. In response to a question about how much in administrative costs would be saved by the reorganization, Erdol said that she did not know. She will be participating in the academic reorganization. A faculty member commented that if the University succeeds in firing these 5 tenured faculty the University will have successfully abolished tenure and become nationally infamous.
- Bill Bosshardt moved and it was seconded that the UFS oppose and declare null and void any academic reorganization of the College of Engineering and Computer Science until the reorganization is presented to the University Faculty Senate for its approval.  
**Approved by unanimous voice vote**
- Bill Bosshardt moved and it was seconded that the UFS oppose the layoff of tenured faculty members in the College of Engineering and Computer Science.  
**Approved by unanimous voice vote**
- Lydia Smiley moved that the UFS affirm its support for the academic department as the primary academic unit. The motion was seconded. After concern about other units (schools, library), Smiley withdrew the motion.

- There was a discussion of the importance of faculty participation in re-organizations, not merely being presented with plans or merely consulted or notified about plans.
- There was a discussion of the importance of a policy concerning notice of layoff, that the five tenured faculty that were given notice of layoff were not given adequate notice or severance pay, which sends a message to everyone that their jobs are insecure and they should be looking elsewhere, which will contribute to a loss of the strongest faculty.
- There was a discussion of the impact of changing to a system whereby tenure depended upon an administrative decision to place a faculty member in box A, B, C or D. In response to a question about when a tenured faculty member can be laid off, Lenz said because of a reallocation of academic programs, reorganization of programs, or fiscal emergency. Alperin said that notice of layoffs is clearly provided for in the contract. Lenz said that he believed that the firing of tenured faculty was not justified by the level of state funding this year, and that the AAUP has a position on notice of layoff or termination.
- There was a motion to adjourn; it was seconded.

**Approved by unanimous voice vote**

5. The meeting was adjourned at 3:42pm.