

Faculty Assembly Meeting, September 18, 2015 (Minutes)

I) Members agreed to proceed without voting to approve the minutes.

II) Introduction of new faculty.

New faculty include:

Political science: Jonathan O'Neill, visiting instructor

Communication: Athena Murray and Eileen Krusher, formerly a correspondent for the *Christian Science Monitor* and *Time* magazine, based in Jerusalem, both visiting instructors

Anthropology: Nicole Nistremski, visiting instructor

English: Janelle Blount, Risa Shiman, Valorie Ebert, visiting instructors

LLL: Rosemary Raego, Sumiko Uo, Leslie Arboleida, Cherissy Copeland

Katherine Gould, Suzanne Weber, Andrew Berry, all visiting instructors

History: Yokin Arndt and Graham Nessler, visiting instructors

III) Nominations for people to serve in the Faculty Senate

Tiffany Frost nominates Adam Bradford, English

Manjunath Pendakur nominates Michael Zager, Music

and nominations for representative to the University Graduate Council

Manjunath Pendakur nominates Chris Robé, Communication, who accepted

IV) Report from Dean Coltman

We've requested 17 new positions/replacements and have not yet heard about how many have been approved.

Strategic Plan implementation is underway. There's a Round-Table event coming up; please attend.

V) Textbook Affordability Committee update

The committee exists because we were cited for noncompliance with a Florida statute that requires us to make public 30 days before classes start what textbooks we have assigned. Noncompliance refers to each course for which we have not submitted our information.

The campus bookstore manager is here. (Is it Steaven Nieratka or Joe DiMarco?) He urges that we *all* use the online bookstore ordering procedure, Faculty Enlight. He is an FAU grad from our college, invested in our success. He gave a demonstration of how to order online.

Begin at
FacultyEnlight.com

VI) Steve Engle spoke on the Post-Tenure Review document, as he served on the committee to write the document:

The committee wanted to incentivize and reward the hard work of faculty. They emphasized this point to the Provost, trying to create a system that rewarded people rather than punished them. This was difficult because it's been so long since we've had

salary raises, and most of the ones for merit have been small, one-time raises. They have tried to create a document in favor of merit and the creation of incentives. We do not wish to squeeze out even more work from faculty.

We looked at more than 25 Post-Tenure Review policies from universities across the country, as well as our own Bargaining Agreement.

I get that people see the document as punitive. But we are going to have to have some kind of post-tenure review process, so we have to accept that and try to make this a policy we can all live with. We want to create something that strengthens tenure. We started this as a 7-year cycle. The Committee's members brought it down to 5-year cycle. We hope that a majority will agree with the basic goals of the committee.

Robert Rabil: Who was "we"?

Engle: We were tasked by SACS and the CBE.

Mike Harris: You say it's a draft. It was presented last week as a fait accompli. What's the story?

Susan Reilly: How does the result of a review that ends with dismissal strengthen the principle of tenure?

Engle: We hope it will encourage people to be productive throughout their career. The average taxpayer needs to know we're productive--this policy will show that.

Reilly: The Collective Bargaining Agreement specifies that a professor who is "incompetent" should be dismissed. Nothing about annual reviews.

Engle: I'll look into that.

Pendakur: Apparently writing the document has taken more than a year. But I didn't know about this til now. Most people didn't know it was going on this way. At Faculty Senate, the Provost said, "We want to get rid of a few people." So?

Engle: Michael and I will be trying to convincing Gary that this document needs more work.

Simon Glynn: The function of tenure is not about academic competence but academic freedom. You've allowed them to predicate it upon competence. It changes the meaning of "awarding" tenure. Nothing in the document connects with "incompetence" or "wrongdoing," and so this document opens the door to misuse. If I received "Satisfactory" rather than "Excellent," would I feel comfortable raising unpopular points of view? Would I have the confidence to challenge the direction of our initiatives?

Doctors and lawyers don't have this kind of evaluation. This document says, "This is an alternative route." At most universities I know, the head of the department has been head of the unit. Here, the decision-maker is higher. Currently, the decision-

makers are trustworthy, but that has not always been the case, nor will it always be the case in the future.

A university should provide a space for political debate--safely. This document will undermine that. Academic freedom relies on tenure. To repeatedly check "academic competence" is not acceptable.

Engle: I agree.

When post-tenure review became required, we knew people in our college had to serve on the committee. And we knew post-tenure review was coming. We know we have to make sure the language is acceptable to faculty. We're trying to create a document in our best interests.

Eric Berlatsky: The process is now in the hands of administrators. Many may be wonderful. But there's no guarantee that every one of them always will be. If the language about dismissal is removed, people would be more enthusiastic.

Engle. Yes.

Chris Robé: People on the committee mean well. Bu the provost has used the committee to create a flawed document, one in bad faith.

It never asks, if people are under-producing, why that is the case. It does not look at the institutional policies that discourage us from production: lack of funding for research, lack of rewards for research. The document displaces blame from admin to individual faculty members--it moves responsibility away from systemic problems.

If chairs and deans spoke to faculty more, that would ensure that no bomb (like this) was dropped on the faculty.

Engle: Well said.

Carol Gould: I've served on the P & T committee of the college for many years, and the process of a rotating committee is good. Based on my experience, I can think of 3 cases of people coming up for promotion where one person might have had an issue--an ax to grind, or whatever. If there are problems with performance, it should be between a faculty member and a chair (so long as their relationship is good) and between a faculty member and the dean (if not). NOT a bunch of faculty. Abuse of power may not happen often, but I have seen it occasionally in the P & T committee, and each instance was significant for the junior faculty member. We want to avoid the possibility of animus affecting large decisions as much as possible. This policy has the potential for insidious actions and personal vendettas. I would hate to see that happen to anyone.

Engle: One thing I said to Gary Perry was, "You have nothing to offer us." When someone is hired, the incentive to be productive is tenure. Then the incentive for (scholarly) productivity is the raise of full professorship.

We should think about a 5-year incentivized package. There needs to be a possible raise. That would be an incentive! Unfortunately, we don't have the resources to do that. But we cannot escape having a post-tenure review.

Simon Glynn: Academic freedom should not be a bargaining chip. The terms of this document result in the loss of academic freedom. If you want to recruit the very best and keep them, we should not accept this policy.

The unions know what tenure is. The courts do too. We need to call out administrators who don't have enough capacity to trust in their own judgments at tenure time, which creates a problem.

Noemi Marin: Why do we have to go through with this? Only one institution (Florida Gulf Coast) lacks tenure. This policy is a top-down measure that doesn't explain the reason. Without a reason, we are on the defensive all the time. This efficiency model seems very illogical. This seems to be a lawsuit invitation and an irrational statement.

Engle: Let me explain it.

A) It's in the CBA

B) The Provost thinks he has sufficient evidence that some faculty are really problematic.

Michael Horswell: Many of us on the committee were surprised that the document was presented at Faculty Senate so quickly. We thought we had just started working on the document. Somehow this went to the Senate as if our process was complete. Everyone on the committee was surprised and told the Provost so. I promise you we will take every comment back to the committee.

Adam Bradford: I want to discuss incentivization. There is this incentive: the incentive to publish your way out. If faculty could move to an institution where their future was more secure, they might be tempted to do so.

This policy looks like a way of handing over power to upper administration. Since chairs can enforce the policy by changing the assignments of unproductive faculty, why should the decision go to upper administration?

As to the imperilment of tenure, it's difficult to see us respond to this rhetoric by making concessions. It's like saying that our critics have a point. Tenure is the one essential thing we have: let's not give that up.

Maybe we should try to let people outside the university know what tenure really is about.

Yolanda Gamboa: I was in Steering and my problem is with the illusion that we have shared governance. We were told recently that the procedures are already in place. Chris Beetle said the meeting was for informational purposes only. I felt very betrayed. What I thought was for informational purposes turned out to be described, at least, as a *fait accompli*.

Mike Harris: Supposedly these things are instituted by a Provost's Memorandum. Supposedly, he doesn't need anyone's OK. I don't think the Provost needs the agreement of any committee or body to institute this policy.

Eric Berlatsky: It's both increasing power and denying that you have any. Regarding dismissal, it's problematic to suggest that this particular policy comes from faculty (as the Provost has stated in his memo).

Philip Howe: Why do you say we should be prepared to get angry?

From what you said, I'm not sure I should continue my research.

Engle: By all means! Don't let FAU be the engine that drives you. You'll be frustrated because administrators sometimes make unwise decisions. But the interest in your work should be what drives you--not Gary Perry's fears.

Howe: What I heard you say is, "Something bad is coming."

Engle: Well, something is *always* coming, even if you're *not* at FAU. But these things pass. They're not as important as the research that brought us into this field. I don't want to be driven by a policy that says I could be terminated. I want to get up every day and feel engaged by research that I think is important.

Chris Robé: The Provost is not unique in schools in trying to take things from Collective Bargaining. That happens in many schools.

However, the language about dismissal is a deal-breaker. The union will come down hard on them and create a protracted problem.

Susan Reilly: I agree with Chris. During the meeting, it said that this was *from* the union. However, the union did not mandate this, and in fact the document has to go back to the union. The union *will* fight this. If the administration wants to forward research, they need to talk about rewards.

Kevin Wagner: The idea that we need to do something about underperforming faculty is not new--comes from business types. A lot of people don't understand what it is to be a professor, what it is that we do. If we were giving this power to someone who understood...but I have a fear that giving the power to administrators over tenure--and giving it to administrators who don't understand the nature of a university so well--would be something we'd really regret. And under this document, that would be a well-grounded fear.

Patty Kollander: Do the other colleges at FAU have the same concerns?

Engle: Yes.

Kollander: That will help. Post-tenure review is a fact of life, but this document is too heavy-handed. And yes, language about dismissal is a deal-breaker.

Engle: We're not that different from other institutions, but we do have a problem with administrators who make poor decisions. I've told Gary that the administration has no credibility with the faculty for very good reason. We are in a better situation than we

were just a few years ago. Post-tenure review is not something we can avoid, but I do think we can create a document we can live with.

Noemi Marin: I still don't understand why the upper administration is handling this in such a punitive manner. This authoritarian style is quite problematic. What does it mean for the rights of all of us. We all agree about accountability. Why is this top-down "because I say so" format being used? It breeds fear and antagonism.

Simon Glynn: I want to be clear: I don't suggest that nobody ever should get fired. We have language in the Bargaining Agreement about moral turpitude or incompetence--and I personally believe in that. BUT! If we want to expand that, it should be addressed in the terms for annual evaluations, not in this document.

Mark Harvey: You've said, "I'm going to share your concerns with the committee." Will you advocate for our views?

Engle: Yes, I will.

VI: Discussion of University Media Policy

Tim Lenz: The new administration has been aggressively policing faculty statements, and where they didn't like something they said, the faculty member was either given a letter of discipline or a threat of it in the file.

I think this was coming from the Trustees as a result of their perception that the President needed to rein the faculty in.

The policy initially was that any time the faculty spoke, they had to state that they were not speaking on behalf of the university. And they had to get any "outside activity" okayed.

Any paid or unpaid professional activity that isn't part of their assignment was subject to this policy. That was an unworkable policy, and I hope the media people now realize that. The Provost and the new VP for Media Development are still working on the policy.

Carol Gould: If we *are* called by a news organization for a comment, do we need to call the Media Development office for approval:

Tim Lenz: No, we do not (not now). I think they're working on it to ensure that we're no longer vulnerable through their policy.

Carol Gould: What about Lifelong Learning Classes?

Tim Lenz: It's not part of our assignment, so, according to the policy, yes. But they are changing it.

Chris Robé: The union's been looking at the Collective Bargaining Agreement: we *are* guaranteed the right to be able to criticize the university publicly. That is in the CBA.

Lenz: The university is concerned about its image and its message--that's understandable. But this policy wasn't the way to handle that. I think the administration realizes that now. It was heavy-handed and silly.