

EXCERPT
OF
FAU FACULTY SENATE MEETING

September 4th, 2015

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APPEARANCES:

CHRIS BEETLE, Professor, Physics,
Faculty Senate President

TIM LENZ, Professor, Political Science,
Senator

MARSHALL DEROSA, Professor, Political
Science, Senator

RON NYHAN, Associate Professor of Public
Administration, Senator, Former
Faculty Senate President

GARY PERRY, University Provost, Non-voting
Senate member

ROBERT RABIL, Associate Professor,
Political Science

FRED HOFFMAN, Professor, Mathematics,
Senator

JENNIFER LOW, Professor, English,

BILL BOSSHARDT, Associate Professor,
Business, Senator

MS. ALPERIN

1 THEREUPON:

2 MR. BEETLE: Okay. This brings us down to
3 the business items, and there are two. The
4 first is that as many of you may know community
5 engagement is a key part of the strategic plan
6 for the university.

7 And as faculty, it behooves us to involve
8 ourselves as much as possible in figuring out
9 what our community engagement at this
10 university is going to look like in the future.

11 For that reason, I am going to form an ad
12 hoc committee to examine this question --
13 committee of faculty, one person representative
14 from each college.

15 You've seen the charge. It's attached to
16 the agenda here today, and the members of this
17 committee will be invited to serve on the
18 President's Task Force which is chaired by some
19 guy called Ron Nyhan.

20 And so, anybody who is serving on this
21 committee will be invited also to play a role
22 in that other committee, but this will be a
23 senate committee.

24 The membership of this committee is open
25 to senators, of course, but also to all faculty

1 in the university, and we will be taking
2 nominations.

3 You can email them to Arcadia and we will
4 be hoping to form that committee at the next
5 senate meeting.

6 MR. LENZ: Would you take questions on
7 this?

8 MR. BEETLE: I will take questions about
9 this.

10 MR. LENZ: In the spirit of providing the
11 administration with advice about this
12 initiative I'd like to say one thing, and that
13 is please call off your dogs until you get your
14 act together when it comes to community
15 engagement.

16 And by calling off the dogs I mean the
17 administration has been sending faculty members
18 who are engaged in outside activity, nasty
19 letters, letters of discipline or letters that
20 threaten faculty members who are engaged in
21 outside activity with discipline.

22 And this should stop until the
23 administration gets its act together. And by
24 getting its act together I mean this initiative
25 says that we're supposed to increase outside

1 activity, increase faculty engagement with the
2 community. We support this.

3 But the very actions that I've been
4 describing are discouraging this activity.
5 There's a lot of fear and uncertainty.

6 And if you read the language in our
7 collective bargaining agreement about outside
8 activity it says that like the collective
9 bargaining at other universities in the state
10 that we have to report all professional related
11 activity paid or unpaid if it's not part of our
12 assignments.

13 No one knows what that means. The deans
14 don't know what this means. Faculty
15 supervisors don't know what this means.

16 And until there's some clarity about what
17 outside activity has to be reported I would
18 recommend, as a good piece of advice, that any
19 new faculty member who asks their supervisor or
20 their peer about what kind of outside
21 activity they would engage in I would say do
22 nothing because any outside activity exposes
23 you to risk. And that risk includes discipline
24 up to dismissal from the university.

25 This is serious, and no one knows what

1 outside activity the university is targeting.
2 There has been a change in the language in the
3 collective bargaining agreement. And I
4 understand where this comes from.

5 The president is right to try to get more
6 control of the university. The previous
7 administration had to deal with some scandals.

8 And this effort to gain control of faculty
9 makes some sense, but the way this is being
10 done is creating major problems.

11 For you to come to us asking for more
12 faculty engagement in outside activity while
13 some other arm of the university is sending
14 these nasty letters, that's a problem.

15 And it's a problem that eventually will
16 probably have to be addressed with a Freedom
17 of Information Act request because there's a
18 great deal of suspicion that you can say or
19 write or do something, but if you say, write or
20 do something that the administration disagrees
21 with you are going to get one of these nasty
22 letters put in your personnel file.

23 And that's untenable, and it's not what we
24 want. We want to encourage this activity. This
25 is serious. It's an extremely important part of

1 the university's future, growth and
2 development. But you're doing things which are
3 frustrating this.

4 MR. BEETLE: So, let me respond to some of
5 the points you've made. So, at least one of
6 the specific instances that you're talking
7 about I became aware of this Tuesday, and since
8 then I have been doing a bit of leg work.

9 I've had lengthy conversations both with
10 Peter Hull, the VP for public affairs, and with
11 Provost Perry about this very issue, and I
12 agree that there are some things to be
13 clarified.

14 If the terms of the collective bargaining
15 agreement are to be changed that, of course, is
16 something to be bargained, and that should run
17 through the Union, and we should have a
18 conversation about that.

19 I came away from the meetings that I've
20 had less concerned than I was at the beginning.

21 And I understand that Peter Hull has
22 reached out to the person that I heard from on
23 Tuesday and that there is an attempt to resolve
24 the situation.

25 One of the things that all of us as

1 faculty should be aware of -- I put it this way
2 to Peter. FAU, since I have been here
3 certainly, has been the epitome of a do it
4 yourself university. Grab that paintbrush and
5 do it, right?

6 And in this instance there was an event
7 coming up that a faculty member had organized
8 and in fact had secured external funding to
9 help support, which is exemplary of what
10 faculty should be doing at this university and
11 should definitely be encouraged. However, it
12 needed to be advertised.

13 And so, in an effort to do that the
14 faculty member had not gone through the Public
15 affairs Office and the Media Relations
16 Department.

17 What I want to tell -- the message that I
18 want to get out to faculty generally is that
19 the Media Relations Department has a renewed
20 vigor and an eagerness to assist with exactly
21 that sort of problem.

22 And we, as faculty, need to recognize
23 first of all that those resources are there for
24 us to use, and second of all that we have a
25 responsibility to take advantage of them

1 because we don't want to have every department
2 at the university or even every individual
3 faculty member running their own media
4 relations operation.

5 We have to proceed strategically on many,
6 many fronts. And I think it behooves us as
7 faculty to approach this administrative wing
8 first rather than after the fact. And so, this
9 is one of the things that I came away with.

10 The other thing, I still have some
11 questions to ask and some conversations to
12 have. And so, I don't know if we should talk
13 further about that because I still need to find
14 the facts about -- in order to just have my own
15 opinion and you're asking me the question.

16 MR. LENZ: This is far -- this problem is
17 far broader that's just who gets to speak for
18 the university, speak to the press.

19 It's for example, if a faculty member
20 publishes a book and wants to give a talk at the
21 Boca Raton Library do they have to go to this
22 vice-president to get permission to do that?

23 These are the kinds of questions that have
24 to be addressed --

25 MR. BEETLE: Right.

1 MR. LENZ: -- because no supervisor can
2 tell their faculty member that they can do that
3 without getting permission.

4 And if someone says something in a public
5 address that the media covers and the
6 university reacts strongly against that they're
7 going to be exposed to discipline.

8 MR. BEETLE: So, Senator, I share your
9 opinions about this, and I want the faculty --
10 I think that there should be the ability to
11 take initiative in these efforts that we're
12 going to have.

13 I'm still trying to figure out exactly
14 what the policy is at the moment, and I'm not
15 sure that I understand. So, we can have a
16 conversation about that when the time comes.

17 I would also suggest that this might be
18 the very type of issue that is going to come up
19 in the community engagement committee that
20 we're trying to put together.

21 We need to have an approach to this
22 problem that is going to work for the faculty
23 because the faculty will be the face that's
24 engaging with the community in many events.

25 Ron, did you have a comment that you

1 wanted to add?

2 MR. NYHAN: No. On the, again, I don't
3 know about the particular issues, all of the
4 issues that have been raised, but the intent of
5 the community engagement initiative is one that
6 I think that could benefit the faculty a great
7 deal.

8 And to the extent that there are
9 misunderstandings if there are or adjustments
10 that need to be made I think the purpose is to
11 move forward in every opportunity for the
12 faculty to have to render engagement in the
13 community, and also to communicate that.

14 So, perhaps to the extent that our issues
15 are to be raised, and obviously you're raising
16 some here today, that's why the Senate should
17 have a committee doing this not only separate
18 from but also incorporated into the large
19 university one.

20 So, I thank you for bringing up the
21 issues, and hopefully more people who have real
22 concern in this area, as well as want to expand
23 it, will be a part of the committee.

24 MR. LENZ: We need a moratorium on sending
25 these letters threatening discipline for

1 faculty members who are engaging in legitimate
2 outside activity until this occurs.

3 MR. BEETLE: Chris? I want to -- I think
4 that -- so, I'm going to take a comment from
5 Provost Perry because I think it's germane to
6 what's been said before --

7 MR. DEROSA: Well, this is germane too.
8 Let's hear it.

9 MR. BEETLE: -- and then I'm going to call
10 on you.

11 MR. DEROSA: Okay.

12 MR. BEETLE: Provost?

13 PROVOST PERRY: Okay. Thank you,
14 Mr. President. And let me applaud you a second
15 there, by the way.

16 I would just like to say we -- all of us,
17 want to encourage public comment by our
18 faculty. You are experts in your field, that's
19 why you are employed here at Florida Atlantic
20 University.

21 But when you make such a public comment
22 all we ask is that you follow what is laid out
23 in the collective bargaining agreement.

24 And I'll read you the section that is
25 pertinent to this. It's article 5.3, Section

1 D. This had been a part of the BOT/UFF
2 Connective Bargaining Agreement for many years.

3 When speaking on any matter of public
4 interest the faculty member shall make clear
5 when comments represent personal opinions and
6 when they represent official university
7 opinions. That's a simple statement.

8 Thank you. And all we ask, all of us at
9 the university, not just the administration --
10 of events that we abide by the rules of our own
11 collectively bargained agreement.

12 MR. BEETLE: Senator Derosa?

13 MR. DEROSA: I've chaired the academic
14 freedom of due process committee, I guess at
15 least going on a third year, and this is a very
16 serious matter.

17 I have a couple questions. One of which
18 is by what authority is the vice-president of
19 public affairs writing letters to faculty
20 members?

21 I also have a concern that the collective
22 bargaining agreement -- and I agree with the
23 programs, absolutely.

24 If you've issued a disclaimer that you're
25 not speaking on behalf of the university, I

1 mean, that's almost a no-brainer, but we have
2 to get prior approval?

3 I would consider this a form of prior
4 restraint of academic freedom for academics to
5 engage in community without getting a
6 permission note from the administration.

7 I have a colleague that was taken into the
8 wood shed because he wrote an op-ed latter to
9 the local newspaper.

10 This is highly inappropriate. I don't
11 think we need a committee for community
12 engagement when it comes to academic freedom.

13 And to be quite frank, I don't care what
14 the collective bargaining agreement says we
15 have certain rights as academics to engage in
16 the community, to speak our minds, to engage
17 and participate in the marketplace of ideas.

18 And I agree with Tim. We need to have a
19 cease and desist order from this
20 vice-president, who is not an academic, to stop
21 writing letters to professors.

22 I don't want to have to get a permission
23 note before I write something on the internet
24 or go to a meeting some place that's unrelated
25 to the university. This is absurd; it's

1 insane.

2 And secondly and thirdly, the scandal that
3 Tim referred to, that's not a scandal from
4 faculty members; that was a scandal of the
5 administration, the previous administration
6 and how they handled it.

7 MR. BEETLE: So, let me --

8 MR. DEROSA: Would somebody please
9 explain to me, perhaps the president could, why
10 this vice-president is writing letters to
11 academics, to professors, and more or less
12 chastising them for engaging in their 1st
13 Amendment Rights?

14 MR. BEETLE: So, I can say that I don't
15 believe that the VP was actually the person
16 that wrote that letter. I have not seen the
17 letter at this point, but he seems to be
18 surprised that there had been some further
19 discussion.

20 So, again, I agree with a lot of what you
21 said.

22 MR. DEROSA: What don't you agree with?

23 MR. BEETLE: I do think that it's
24 important to have a robust academic environment
25 here where academic freedom can be exercised.

1 I think that there is a conversation to be
2 had about this issue of what needs to be
3 reported and what does not.

4 MR. DEROSA: But what --

5 MR. BEETLE: And we certainly must not end
6 up with a --

7 MR. DEROSA: -- what needs to be
8 reported?

9 MR. BEETLE: Excuse me.

10 MR. DEROSA: It throws --

11 MR. BEETLE: We certainly must not end up
12 with a situation where the content of what a
13 faculty member says ends up being the deciding
14 factor in whether action is taken, right?

15 So, I think that particularly as we push
16 forward on this initiative, which is essential
17 to the university's strategic vision for where
18 we want to go, that we need to think very
19 seriously about these issues.

20 And I think that the situation that all of
21 us are talking obliquely about is an example
22 that we should keep in mind as we have these
23 conversations.

24 But I think that we need to have these
25 conversations civilly and to try to come to

1 some sort of shared vision of how this process
2 is going to work at FAU.

3 And that is what we need to focus on going
4 forward, I think.

5 MR. DEROSA: But see, there's the
6 problem.

7 MR. BEETLE: So, --

8 MR. DEROSA: We're going some place, and
9 where that place is seems to be a departure
10 from academic freedom.

11 If there's academic freedom and a
12 professor or an academic makes the --

13 MR. BEETLE: So, --

14 MR. DEROSA: -- disclaimer I am not
15 speaking on behalf of my employer --

16 MR. BEETLE: What I've just said was that
17 we need to have a conversation about how this
18 scenario would play out in the future, right?

19 And how and what role academic freedom has
20 played in this and to what extent academic
21 freedom may or may not have been compromised in
22 this scenario, and how the process should work
23 in the future to minimize any adverse impact --

24 MR. DEROSA: Well, it's --

25 MR. BEETLE: -- on academic freedom.

1 MR. DEROSA: Sir, would you --

2 MR. BEETLE: So, I'm going to ask to --

3 MR. DEROSA: -- to the committee?

4 MR. BEETLE: -- table any further

5 discussion or questions about this because it
6 is premature, because I don't know enough about
7 the specifics of this instance.

8 And I welcome any of you to talk to me
9 privately about this. I don't know if we can
10 go forward playing this oblique game --

11 MR. DEROSA: This is the faculty senate,
12 Chris. This is where we have these discussions.
13 There's nothing to be private about.

14 It impacts the faculty. The senators
15 represent the faculty.

16 MR. BEETLE: But at the moment it is not a
17 fact that is before this senate what the impact
18 has been.

19 So, this is not a conversation that we can
20 have properly at the moment.

21 MR. DEROSA: I don't understand what not.
22 That's why we're here. This is a discussion
23 forum.

24 MR. RABIL: Can I say something, please?

25 MR. BEETLE: Yes, you may.

1 MR. RABIL: Can I say something? Thank
2 you.

3 Well, I work where the media a lot and I'm
4 asked from Iran, China, Saudi Arabia and
5 everybody to comment.

6 But what I can tell you is this, I will
7 never say anything that goes against the
8 interests of the university. And I make that
9 sure when I go over any TV or I write or go
10 over including U.S. Government meetings, and I
11 go to them on a frequent basis.

12 But this is -- it's okay with me. But
13 what you are saying here, and this is where it
14 does not sit well with me -- and I felt kind of
15 disappointed, really when I received an email,
16 and this is what the email said: It's
17 extremely important to know that FAU has
18 requirements including but not limited to
19 receiving permission from the Office of
20 University of Communication and the Office of
21 the Provost prior to speaking to the media
22 including student media every single time you
23 engage in such activity.

24 So, what you are saying, already you have
25 movement in the direction to curb us from

1 talking to the media. And here I am someone
2 that I consider myself extremely loyal and I
3 love FAU, and I call FAU, my home. So, this is
4 where it is really conflicting to us.

5 MR. BEETLE: And okay. So, I am not aware
6 of this email. And I think that this is an
7 issue where we need to have a conversation
8 about how this is supposed to work at this
9 university.

10 I don't know that this is the place for it
11 because we have not had an opportunity as a
12 group to look at the facts around this
13 situation.

14 So, what I am asking is that we approach
15 this at a later meeting.

16 MS. LOW: Would it be appropriate to send
17 it to the academic freedom --

18 MR. BEETLE: I don't think that that is
19 warranted at this time. The academic freedom
20 and due process committee should -- there is
21 nothing to send to them at the moment --

22 MR. HOFFMAN: Of course there is.

23 MR. BEETLE: -- as far as --

24 MS. LOW: Okay.

25 MR. BEETLE: No, there's not.

1 MR. HOFFMAN: Of course there is.

2 MR. BEETLE: There is not, Fred.

3 All right. I see four more hands that are
4 up. Bill?

5 MR. BOSSHARDT: But I assume, Chris, that
6 in your deliberations over the next week or two
7 that if you do find some cause that you would
8 refer it to the committee?

9 MR. BEETLE: Yes, I would.

10 MR. BOSSHARDT: Okay.

11 MS. LOW: So, do we put this on the agenda
12 for next meeting?

13 MR. BEETLE: I do not know what's going to
14 be on the agenda for next time about this.

15 MS. LOW: Now, the request has been made
16 that until it's settled, what the policy is,
17 that we should not be -- a request has been
18 made that until the policy is settled that no
19 more threatening letters should be sent.

20 I don't know where they originate from,
21 and certainly it seems as if it's not always
22 clear, but I think it does seem like a
23 reasonable request, so I think that it can be
24 forwarded and hopefully addressed because it's
25 impossible.

1 It seems as if the letters aren't an
2 indication that a policy has been made without
3 our input then a policy is being enacted
4 without being fully vetted.

5 MR. BEETLE: Thank you.

6 UNIDENTIFIED MALE: The problem is very
7 simple. Hypocrisy and freedom of expression
8 are incompatible, okay?

9 Thank you.

10 MR. BEETLE: Fred, and then we will --

11 MR. HOFFMAN: Yeah. I think -- that
12 shutoff. Is that working? Okay.

13 Yeah. Just the point here, Tim said --
14 raised the question does a person wanting to
15 speak at the public library to discuss his book
16 possibly even to sell copies of it, does he
17 need permission from the Office of Public
18 Affairs before making such a speech.

19 We know that he has to say any opinions
20 that I express here do not represent the
21 university. If he doesn't do that he's in
22 trouble, and he should be in trouble. But does
23 he have to get permission?

24 Tim asked the question; Robert gave an
25 example of where he was told he needed to ask

1 permission before giving a talk or suggested
2 that by -- it was suggested by the nature of
3 that correspondence.

4 Can we know from -- we've got top
5 administrators here. Can we know the answer to
6 that question and why is it not appropriate for
7 that question if there is a conflict on it to
8 be referred now to academic freedom and due
9 process?

10 That's how I understood what academic
11 freedom and due process was supposed to do.

12 MR. BEETLE: Okay. Does anybody want to
13 comment on that?

14 PROVOST PERRY: As Provost I would just
15 restate what I said earlier.

16 We welcome our faculty to make public
17 comments and to give the appropriate
18 attributions as necessary as stated, very
19 simply, in the collective bargaining agreement.

20 I will just call out and say Robert, I'd
21 love to see that email because I can assure you
22 no such policy has been issued from the Office
23 of Academic Affairs.

24 MR. BEETLE: I will also add that one of the
25 of things that I've done this week is to look

1 at the form that needs to be filled out, and
2 it's a little bit -- it's confusing about
3 whether it applies in this hypothetical
4 scenario that you're talking about.

5 I understand that there is a revision to
6 that form because of new Federal Laws
7 surrounding grants and conflicts of interest
8 and so forth.

9 So, the form is currently being revised,
10 and I hope we will see a draft of that form
11 soon so that it becomes clear, you know, how it
12 would work in that scenario.

13 MS. ALPERIN: Are you talking about the
14 outside employment forms?

15 MR. BEETLE: I am.

16 MS. ALPERIN: Yeah. We are -- we'll
17 definitely give you a draft. We've been trying
18 to get it changed to that for about two years.
19 We're still working on it, but I agree with you
20 there needs to be clarity in that form as to
21 what we need --

22 MR. BEETLE: Right.

23 MS. ALPERIN: -- for their -- their needs
24 to be, especially from the division of
25 research, clarity of -- there's conflicts that

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all we're trying to -- I think it's rare that we took that amount of time.

MR. BEETLE: Okay. So, I am very pleased to see how passionate everybody is about this issue. This is a very good sign for the university.

So, let us go on to our -- to the second business item here which is the draft of the sustained performance evaluation policy.

(Thereupon, the requested portion of the meeting was concluded.)

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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA:

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COUNTY OF BROWARD :

I, NICK BRUENS, certify that I was authorized to and did transcribe the foregoing recorded events.

I do further certify that the foregoing is a true and accurate transcript of the events as provided to me on the CD taken at the time, place and date hereinabove set forth.

I further certify that I am not an attorney or counsel for any of the parties, nor related to any of the parties, nor financially interested in the action.

Dated this 15th day of August, 2017

Nick Bruens

Typist

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