

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

MARSHAL DE ROSA, 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 figure be 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 certain 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 opens  
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 as them 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 ever 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 are 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 the 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 -- , and it's not what we want.  
24 We want to encourage this activity. This is  
25 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.

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 to then I have been doing a bit of leg work.

9 I've had lengthy conversations both with  
10 Peter Hall, 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 Hall 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 get 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 acts strongly gins 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 can 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. DE ROSA: 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. DE ROSA: 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 De Rosa?

13 MR. DE ROSA: 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 the 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've  
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 the  
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 engage  
12 when it comes to academic freedom.

13 And to be quite frank, I don't care what  
14 the collective bargaining agreement is. 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. DE ROSA: 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. DE ROSA: 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. DE ROSA: But what --

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

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

9 MR. BEETLE: Excuse me.

10 MR. DE ROSA: 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 bleakly about is an example that  
22 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. DE ROSA:   But see, there's the  
6           problem.

7           MR. BEETLE:   So, --

8           MR. DE ROSA:   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. DE ROSA:   -- 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 comprised in  
22          this scenario, and how the process should work  
23          in the future to minimize any adverse impact --

24          MR. DE ROSA:   Well, it's --

25          MR. BEETLE:   -- on academic freedom.

1 MR. DE ROSA: Sir, would you --

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

3 MR. DE ROSA: -- 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 future playing this oblique game --

11 MR. DE ROSA: This is the faculty senate,  
12 Chris. This is where we have these  
13 discussions. There's not 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. DE ROSA: 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 and 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 have 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 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



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

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

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

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

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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA:

:ss:

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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