

Faculty Senate Meeting

April 2, 2024, 3:30 p.m.

In person in the BOARD OF TRUSTEES' Room with Zoom link:

<https://fit.zoom.us/j/98187817280>

Senator Present:

Jordan Poole (Aeronautics), Tolga Turgut(Aeronautics), Abram Walton(Business), Charles Bryant(Business), Steven Rivet (Business), Angel Otero (Business Online), Donald Platt(APSS), Csaba Palotai(APSS), Manasvi Lingam (APSS), Melissa Borgen (BES), Mehmet Kaya (BES), Vipuil Kishore(CCE), Alan Brown(CCE), Nasheen Nur(EECS), Sidhartha Bhattacharyya(EECS), Nakin Suksawang(MCE), Hamidreza Najafi(MCE), Joo Young Park(MSE), Nezamoddin Nezamoddini-Kachouie (MSE), Stanley Snelson (MSE), Rob van Woelik (OEMS), Pallav Ray(OEMS), Gary Zarillo (OEMS), Angela Tenga (SAC), Joe Montelione (SAC), Kevin Burke (SAC),David Wilder(BA), Jessica Wildman(Psy), Marshall Jones(Psy), Patrick Converse(Psy),William Bowman(Library)

Senator Absent: Georgio Anagnostopoulos (EECS), Chiradeep Sen (MCE), Wanfa Zhang (SAC)

Proxies: None

Other attendees: John Nicklow, Hamid Rassoul, Mark Archambault, Ryan Peterson, Nasri Nesnas, Raymond Bonhomme, Mary Bonhomme, Nancy Garmer, Penny Vassar, Heidi Hatfield Edwards, Gary Burns, Julie Costopoulos, Jason Griggs, Chelsea Carroll, Theodore Richardson, Suzanne Kozaitis, Brian Lail, Kaylee Erdos, Nick Daher, Amitabh Dutta, Carlos Otero, Ersoy Subasi, Thomas Eskridge, Eric Guisbert, Rick Addante, Moti Mizaitis, Gregory Fox, Joel Deacon, Andrew Aberdein, Luis Otero, Christian Sonnenberg, Pallav Ray, Ronda Smith

Call to Order

Senate Pres. Brown called the meeting to order at 3:30 pm.

Conversation with the President, Provost, and General Counsel:

Discussion of Supplemental Terms in Faculty Contracts

The original agenda included discussions on tenure system modifications (as attached), Senate elections, and changes to the Faculty Handbook. However, due to the recent release of new supplemental terms for faculty contracts, the discussion on the Faculty Handbook took precedence over the tenure system modifications.

General Counsel, Ryan Peterson, briefly explained that the supplemental terms were introduced to address gaps in the original contract and to consolidate various documents, such as those related to conflict of interest and intellectual property, into a single comprehensive document. The goal was to modernize the language and ensure consistency and accuracy. Although the Counsel emphasized the importance of understanding the terms and invited questions to clarify any concerns. Amendments were made based on feedback, particularly to the intellectual property policy, to better address faculty concerns about curriculum control. The Counsel assured that the aim is to produce the best possible outcome through this process.

Key Discussion Points

Sen. Walton highlighted significant concerns from faculty regarding the new terms, such as restrictions on external activities and ownership of intellectual property:

The terms were described as potentially violating academic freedom and conflicting with state, common, and federal laws, as well as faculty policies. Concerns were voiced about the terms requiring extensive disclosure and granting extensive ownership to the institution over faculty work, including aspects that are typically not considered "work for hire" in academic settings.

The terms were criticized for imposing restrictions that might prevent faculty from engaging in outside activities and for limiting their rights to their own intellectual property, including waiving moral rights and only retaining minimal rights to classroom materials. Sen. Walton emphasized that he was not endorsing these views but sharing them as representations from faculty. He also noted that this meeting might not be the appropriate forum to address each issue in detail and suggested a more in-depth discussion might be needed.

Sen. Turgut commented that,

The faculty lacks expertise compared to general counsel and previously requested legal review of faculty contract changes, which was not granted. Key changes in the new contracts include significant modifications to intellectual property terms and the addition of a seven-page supplementary section, replacing the previous 12-item contract.

The new contract's supplemental terms conflict with existing policies in the Faculty Handbook, which is considered a crucial document for faculty rights and academic freedom. Sen. Turgut stresses that faculty are not merely employees, but part of an academic institution governed by principles of shared governance and academic freedom. He proposed that if revisions to the agreement are necessary, faculty should have the opportunity to seek independent legal opinions. He recommended hiring legal counsel under the Faculty Senate to ensure impartiality.

Sen. Turgut proposed **a motion to rescind the new contract terms and revert to the 2023-2024 Faculty appointment agreement while allowing time until the end of 2024 to seek legal opinions on the new terms. Seconded** by senator Rob van Woesik.

Discussion: Concerns were raised about the necessity of the supplemental terms and whether they could be removed to expedite contract signing.

Sen. Kachouie raised a question about the necessity of the new supplemental terms,

It was suggested to potentially remove the supplement to avoid delaying the contract signing. The idea was to handle the supplement separately and discuss any required

modifications with the Faculty Senate and administration. There was a proposal to remove the supplement if it was not essential and to resolve any issues through further discussion. Sen. Kachouie inquired about the rationale for adding the new supplement to the contract.

Mr. Peterson noted,

It might be out of order for him to discuss specific details of the supplemental agreement, as faculty had requested not to delve into line-by-line specifics. He acknowledged the concerns raised, including issues related to legality, intellectual property, and conflicts of interest, and stated he had taken note of these issues. He indicated that if the faculty preferred not to receive further explanations, he would respect that request. He asked whether the goal was to resolve issues with the supplemental terms or to reject the contract entirely and propose a new recommendation. He stated that the university has already issued the contract, and its current terms are in effect. The response of the university to any recommendations made today is uncertain. Mr. Peterson expressed readiness to review the contract line by line and work towards a solution if needed. However, if the meeting's sole purpose was to take notes and express grievances, he acknowledged that he had done so. He emphasized the need for clarity on whether the meeting aimed to negotiate and amend the contract or simply to address concerns about the current contract.

Sen. Jones noted,

The new supplemental terms may not align well with existing policies, such as those in the faculty handbook regarding outside work. He highlighted the need to reconcile the restrictive language of the new supplement with long-standing policies governing outside work to address faculty concerns. There is apprehension that the new terms might negatively impact faculty members who have increasingly engaged in outside work due to changes at the university.

He emphasized the importance of a collaborative discussion to align the university's direction with faculty interests, ensuring that policies on outside work and intellectual property are not regressing.

Pres. Nicklow emphasized,

The need to rebuild trust on campus and views collaboration as key to achieving this goal. Seeing ourselves as a partner in resolving issues and believe that differences can be reconciled through cooperation. He acknowledged that while the current form of the supplement may not be ideal, it can be revised to better protect both faculty and the institution. Also, noted that there are no clear protocols for monitoring and disclosing outside work in the faculty handbook, which can lead to issues. Due to lack of oversight, underscoring the need for better mechanisms. Pres. Nicklow expressed willingness to

collaborate further to refine the language and processes, suggesting additional meetings to address specific comments and find a solution.

Sen. Nasri highlighted,

The need to compare the new supplemental terms with practices at peer institutions, noting that many do not require annual contracts for tenured faculty and do not introduce new terms yearly. Concerns were raised about the impact of the new language on faculty activities, such as consulting and advisory board roles, and the need for clarity on how these changes compare to existing policies.

Sen. Jones questioned if the supplemental terms create conflicts with existing university policies or the faculty handbook:

He expressed concern about creating overlapping rules and potential confusion. There is a need to ensure that the university's conflict of interest policies are consistent and effectively communicated. Sen. Jones proposed that a group discussion could help reconcile differences between the faculty handbook and the new supplemental terms.

Mr. Peterson noted:

Conflict of interest is a standard requirement across various policies and research. He clarified that while most issues have been addressed in previous years, there are gaps in current conflict of interest disclosures. He emphasized that conflict of interest disclosures is crucial for identifying and mitigating potential conflicts as they arise. He also highlighted the external forces, such as federal agencies, are increasingly scrutinizing conflict of interest disclosures. They stressed that regardless of the current contract's status, disclosures must be made to ensure compliance. Mr. Peterson mentioned a preference for using contracts to enforce policy requirements, as it is a more direct and personal approach. He acknowledged that while policies are often changed without extensive faculty input, including such requirements in contracts allows for greater faculty involvement.

Other discussion points:

There was discussion about the need to address conflict of interest concerns. The current conflict of interest policies are distributed across several documents, including the Faculty Handbook and Human Resources policies, some of which are recent. The importance of having clear, consolidated policies for handling conflicts of interest was emphasized.

Voting on the motion: rescind the new contract terms and revert to the 2023-2024 Faculty appointment agreement while allowing time until the end of 2024 to seek legal opinions on the new terms.

Result: In Favor (25), Oppose (3), Abstain(2) (Motion passed).

Additional Notes:

- There was an emphasis on the importance of updating policies with faculty input and ensuring that conflict of interest disclosures are properly managed.
- Some documents and policies relevant to conflict of interest were highlighted as being current and already in place.

Approval of Minutes:

- **January Minutes:** Moved by senator Jones and Approved with no objections.
- **February Minutes:** Moved by Senator Wilder, seconded by Senator Turgut. Approved with no objections.
- **March Minutes:** Moved by Senator Bowman, seconded by Senator Kaya. Approved with no objections.
- Recordings are posted on the Senate website for the meetings listed.

Report

President report: Sen. Pre. Alan brown

Sen. Pre. Brown briefly reported on a meeting with the provost held on the 11th, primarily focusing on issues related to the research office. A specific discussion involved the topic of summer pay, which was initially misunderstood as a request for higher compensation during a tight budget year. However, it evolved into an argument based on academic necessity, particularly concerning a computer lab course taught by Sen. Poole for Aeronautics students. Due to full enrollment in both fall and spring sections and limited lab availability, nine students had to enroll in the summer course. Sen. Pre. Brown gathered and sent enrollment data for these courses to the provost but has not yet received an official response. The report aimed to illustrate how to construct an argument based on academic necessity.

Committee Reports:

1. **Academic Policies (Sen. Kishore):** No new updates.
2. **Administrative Policies (Sen. Kaya):** Report to be included in the next agenda (Old Business).
3. **Excellence Awards (Sen. Wildman):** No report.
4. **Kalajian Professorship (Sen. Kishore):** Senator Kishor reported that the Gradient Professorship award has been informally announced and will be formally announced at the university convocation.
5. **Scholarships (Sen. Nezamoddini-Kachouie):** No report.
6. **Technology Resources, and Infrastructure (Sen. Poole):** No updates this month.
7. **Welfare (Sen. Suksawang) [Equity Pay proposal]:** No report.

Senate Elections:

Faculty Senate Offices: *(Open call until COB April 1st)*

For President-Elect: (vision statements attached to previous agenda)

Senator Nezamoddin Nezamoddini-Kachouie

Senator Jessica Wildman

President-Elect Candidates' speech:

1. **Senator Nezamoddini-Kachouie:** Emphasized experience in multidisciplinary problems and commitment to transparent, actionable plans for improvement. Advocated for real shared governance and addressing financial instability and faculty retention issues.
2. **Senator Wildman:** Focused on organizational psychology approach, servant leadership, improving trust and transparency between faculty and administration, and balancing research and teaching.

Voting Results:

- **Senator Nezamoddin Nezamoddini-Kachouie** received [10] votes.
- **Senator Jessica Wildman** received [18] votes.

Sen. Wildman was elected president for the 2025-2026 term.

3. **Senate Secretary Nomination:** Sen. Jooyoung Park was nominated, the nomination was unanimously approved.

Sen. Jooyoung Park was re-elected as Senate Secretary for the 2024-2025 term.

4. **Welfare Chair Nomination:** Sen. Marshall Jones was nominated, and the nomination was unanimously approved.

Sen. Jones will serve as Welfare Chair for the fall semester 2024, with a note that he will be on sabbatical in the spring 2025.

Comments on Pay Equity by Sen. Suksawang:

- Efforts to obtain information on pay equity are ongoing. Emails have been sent to the provost, and follow-up will continue.
- There is a push to ensure that pay equity is part of a broader university initiative.

Welfare Committee Issues

- Key issues include addressing leave policies and accumulated sick leave.
- There is concern over the lack of clear, universal policies for sick leave usage.

Old Business:

Faculty Handbook update – Sen. Kaya (committee responses attached to previous agenda)

- **Voting on first-priority (“red”) items**

- **Introduction of resolutions on second- and third-priority (“green” and “blue” items)**

Faculty Handbook Amendments

Mark Archambault commented on Faculty Handbook amendments:

Issue with Handbook Reference: a concern about a reference in the research misconduct policy to a non-existent research handbook appendix. They found that the research office does not maintain this document, suggesting it may have been outdated for about 30 years. They argue that referring to a non-existent document is inappropriate and potentially leaves the policy without a basis.

Policy Validity: the current language in the policy is not considered a formal policy. They recommend removing references to the research handbook to ensure that there is an actual, valid policy in place.

Faculty Grievance Policy: There is a question about the applicability of the faculty grievance policy. Mark Archambault notes a discrepancy between how faculty members are defined in different documents. They question why the grievance policy refers to a section defining faculty ranks instead of the broader academic faculty membership definition.

Discussion and Resolution: A discussion follows about how to address these issues. The group agrees to revise the motion, excluding the problematic comments, and address the issues in a future meeting. They plan to meet again, potentially via Zoom, to clarify and resolve the issues.

The discussion focused on the approval of specific items in the faculty handbook, categorized by priority for an upcoming vote. The "red" items were identified as the most urgent, tied to a September deadline, and were recommended for immediate endorsement by the Senate. Faculty feedback was received and integrated, with the committee presenting a document outlining the changes.

The motion was made to endorse the "red" items, which encompass the first ten items in the document. During the discussion, a few editorial suggestions and concerns about certain sections were raised. To address these, it was proposed to revise the motion to exclude two contentious items for further review, and proceed with endorsing the rest.

The Senate voted to endorse the revised set of "red" items (**all in favor, red items approved**). The "green" and "blue" items will be discussed in a special meeting on May 2nd after further faculty review. Additionally, a brief mention was made regarding updates needed to the faculty library committee section of the handbook, which has been inactive since COVID-19. The committee will provide further revisions on this matter.

Comments and Recommendations

- Minor editorial changes to the document were suggested.
- Clarification was requested regarding policies on research misconduct and faculty grievance procedures.
- The proposed changes will be reviewed further, and revisions will be addressed in subsequent meetings.

Faculty member Rhonda Smith (COB) raised concerns:

Policy Review Concerns:

- **Conflict with Existing Policies:** Rhonda Smith highlighted that the policy creation process at the university, as stated online, requires checking for conflicts with existing policies. She found that this review was not conducted, leading to a violation of the university's own policy creation procedures.
- **Communication Issues:** Major changes in policy should be communicated to staff and faculty, which was not done in this case. This lack of communication represents a breach of the university's ethics policy.

Ethics:

- **Ethical Standards:** The university's actions are seen as contrary to its ethical guidelines, which stress integrity, respect, and proper stewardship of resources. Rhonda Smith argues that the recent policy changes undermine these principles.

Contract Issues:

- **Supplemental Contract:** The supplemental contract was introduced without prior disclosure and seems inconsistent with existing policies. It includes provisions that encroach on personal privacy and rights, particularly concerning intellectual property and personal activities.

Faculty Rights and Compliance:

- **Intellectual Property:** The contract requires faculty to relinquish rights to their work created before and during their employment, which conflicts with academic freedom and may breach accreditation standards.
- **Legal and Policy Conflicts:** Rhonda Smith is concerned that the contract conflicts with Florida residents' rights, including digital image rights and privacy.

Faculty senators suggested the following future action items:

- **Meeting and Resolution:** There is a need to determine the next steps. A suggestion was made to have a meeting next week to discuss passing a resolution and to address the issues with the supplemental contract.
- **Engagement with Leadership:** It was proposed to engage with the president and provost to understand their intentions and resolve the issues before proceeding with further actions.

Adjournment: A motion to adjourn was made by Sen. Wilder. All attendees favored, and the meeting was adjourned at 5:22 pm.

Respectfully submitted,

Joo young Park, Faculty Senate Secretary

Note: Special Meeting was scheduled to finalize the Faculty Handbook update: Thursday, May 2, 2004, 3:30-5:00 p.m. in the Board of Trustees Room:

SKETCH OF A TENURE SYSTEM FOR F.I.T.: Modification of current system

TRACKS: 4. Research, Tenure, “Teaching”, Instructor

Promotion Criteria: College-by-college; must be consented to by the Faculty Senate

RESEARCH TRACK

Qualification: Terminal academic degree (Ph.D. or equivalent)

Expectation: Research

Ranks: Research Assistant Professor, Research Associate Professor, Research Professor (or: omit “Research”). Should normally be on soft money.

Appointment: Initial one-year appointment then per availability of funds.

Eligibility: Graduate Faculty – yes (*); tenure – no

TENURE TRACK Professor

Qualification: Terminal academic degree (Ph.D. or equivalent)

Expectations: Research, Service, reduced Teaching

Ranks: Assistant Professor, Associate Professor, Professor.

Appointment: Per FH 2.8.1.2.1: initial one-year appointment then tenure-track as at present.

Post-tenure review: per FH 2.8.1.5 as at present.

Eligibility: Graduate Faculty – yes (*); tenure – yes

NON-TENURE TRACK Professor (“Teaching Track” or “Hybrid Teaching/Research Track”, “Hybrid” for short) (official name of this track TBD)

Qualification: Terminal academic degree (Ph.D. or equivalent)

Expectations: Teaching, Service, reduced Research; in the absence or near-absence of research, service record should be substantial.

Ranks: Assistant Professor, Associate Professor, Professor. (These ranks should apply to legacy faculty hired before ***date TBD***) New faculty hired to this track may have different titles: TBD. New doctorate-holding teaching faculty may (College option) be hired to this track (possibly as, *e.g.*, Professors of Practice).

Appointment: Initial one-year appointment then 3/4/5 per rank, per FH 2.5.

Eligibility: Graduate Faculty – yes (*), tenure – no

(*) For Graduate Faculty membership and appointments, see GP 4.1.1 and 4.1.2.

INSTRUCTOR TRACK

Qualification: minimum Master’s

Expectations: Teaching. Service. Research not expected.

Ranks: Instructor 1, Instructor 2, Senior Instructor (or other titles). This should be the entry portal for all faculty without terminal degrees.

Appointment: Initial one-year appointment then two years at a time. (Or: 2/2/3?)

Eligibility: Doctoral Faculty – no, tenure – no

EVALUATION (all tracks): Rating categories should be Exceeds Expectations, Satisfactory, Needs Improvement, and Unsatisfactory per FH 2.8.1.4.

CHANGING TRACKS

TO TENURE TRACK FROM OTHER TRACKS: Faculty on the Research or “Teaching” Track may request consideration for tenure, not more often than once every seven years. They may be considered for tenure either immediately or after a probational period of up to two years (Provost’s discretion). If not granted tenure, they shall revert to their original tracks.

FROM TENURE TRACK TO “TEACHING TRACK”: If a faculty member’s pre-tenure review (after three years) reveals inadequate research progress but outstanding teaching ability, such a faculty member may be offered a “Teaching Track” contract, subject to departmental needs and with the permission of the Provost. Because of the University’s investment in new tenure-track faculty, this transition should be available subsequent to the pre-tenure review (*e.g.* after an unsuccessful tenure candidacy) only in special cases with the express consent of the Provost and/or President.

FROM INSTRUCTOR TRACK TO OTHER TRACKS: When a faculty member on the Instructor Track completes a terminal academic degree (Ph.D. or equivalent), such a faculty member may be offered a contract on either the “Teaching Track” or the Tenure Track as appropriate.