

Senate Steering Committee Minutes

July 1, 2022 (Previously *Unscheduled/Emergency Meeting*)

8:30 a.m.

Via Zoom: <https://ufl.zoom.us/j/95780828084?pwd=T0kyVlVGUGNONVFtR2l5Wjl3NWdpUT09>

Meeting ID: 957 8082 8084 Passcode: 960974 Dial in: 646 558 8656

Present: Amanda Phalin, Ryan Fuller, Juan Nino, Raymond Issa, Joe Glover, Angela Bacsik, Angela Lindner, Catherine Striley, Chris Hass, Danaya Wright, Keith Rambo, Laurie Bialosky, David C. Bloom, Paul Duncan, Richard Scholtz, Rick Stepp, Sarah D. Lynne, Taylor Rose, and Tom Kelleher.

Call to Order

Amanda Phalin, Chair

- The meeting was called to order by Faculty Senate Chair Amanda Phalin at 8:30 a.m.

**BOG Recommendation on Civil Discourse and
Statement on Free Expression**

Amanda Phalin, Chair

- The [Board of Governors \(BOG\) recommends](#) that the State University System (SUS) Faculty Senates approve the [SUS Free Expression Statement](#). Chair Phalin would like the [Academic Freedom, Tenure, Professional Relations & Standards \(AFTPRS\) Committee](#) to review this statement and send their recommendations to the [Welfare Council](#) for reporting to the Faculty Senate Steering Committee. The Faculty Senates within the State University Systems (SUS) have expressed varying views regarding how to best handle the BOG request. Following today's meeting, the statement will be emailed to all meeting participants for their reference.

[Florida House Bill 7 \(HB7\)](#)

Amanda Phalin, Chair

- Chair Phalin invited Associate Provost for Academic & Faculty Affairs Chris Hass to provide an overview of the university's current plan to address and follow the HB7 law which goes into effect today (July 1, 2022). Ryan Fuller, Associate Vice President and Deputy General Counsel (specializing in labor and employment matters), Chief Diversity Officer, Marsha McGriff, Senior Advisor to the President, and UF Human Resources personnel continue planning in keeping up with the fluidity of HB7, given that Judge Walker is likely to provide another ruling again over the next three or so days which may or may not change needed university actions. The Board of Governors (BOG) approved the regulations in form at their meeting yesterday. UF's regulation process, which includes regulation lighting and the sharing of the comment/review period by the Faculty Senate, will ensue.

- UF aims to have an advisory board in place which would include UF's already-trained investigators who current conduct fact-finding in their primary university role. Discussion continues on organizing and implementing a defensible and rigorously constructed process for complaints to be received and reviewed. It is expected that a panel would review any allegations and make a decision. Potential representatives for this group include: the [Campus Diversity Liaisons](#); a contact from each college; and the Chair or a member of the Welfare Council or AFTPRS Committee. In response to an inquiry regarding if and how faculty have been selected to be involved in the process of drafting HB7 instructions and guidance, particularly in potentially problematic classrooms, Associate Provost Hass noted that every unit on campus has a Diversity Liaison representing faculty and staff in every college, and chosen faculty within colleges and units include Trysh Travis, Associate Professor of Women's Studies, in the Center for Gender, Sexualities & Women's Studies Research, and the Center for Teaching Excellence faculty, who have shared best practices and provided resources to the conversation. Outside resources have also been brought in and a weekly meeting is held with the

faculty put forward from the college level who are involved in the HB 7 space. The participation level of faculty was discussed, including that many have declined to participate.

- Associate Provost Hass has received many comments calling for and emphasizing the need for disciplinary expertise which could come from the faculty space as well as the Diversity Liaisons.
- AFTPRS Chair Ray Issa provided a brief explanation of the mission of the AFTPRS Committee and noted that this process is for non-bargaining units. It conducts fact finding and hearings, the results of which are then sent to the Provost and President for a final decision.
- In discussing if there is a consistent, educated faculty voice to help move the regulation forward and if student representation would be helpful, it was noted that ultimately this is a regulation which was just voted on just yesterday; the technical process of how UF brings a regulation forward was briefly reviewed.
- A Provost's Office goal is to educate faculty so that they can follow HB7 directives and boundaries while continuing to pursue and perform their academic and scholarly work.
- Following an inquiry, Associate VP Fuller provided an overview of the general HB 7 timeline, including if Judge Walker issued an injunction; if the state appealed; if a briefing to the Court of Appeals was filed; if the BOG regulation was reviewed and corrective action was warranted; and if a stay was requested. He also clarified that the bargaining process, possibly including compact bargaining, would need to occur for compliance.
- Provost Glover offered context to the discussion. If the law remains in place, it is a state law providing guidance and prescription of classroom behaviors and UF will be guided by the General Counsel's Office. Three dimensions of consideration include: the faculty-student viewpoint; that of the Florida Legislature and Governor; and the BOG. The regulatory processes will be followed. The HB7 environment is currently quite fluid due to the aforementioned unknowns.
- UF recognizes that any complaint can be removed directly to the legislature and/or the court, so address by the university is taken very seriously.
- Additional comments included:
 - Attention needs to be given to how information is disseminated to students. This could help to avoid potential complaints.
 - HB7 presumably includes educational activities, training, and instruction involving additional departmental functions, seminars, etc. occurring 'outside of the classroom'.
 - The complaint and investigatory process for HB7 may follow a similar path as a Title IX complaint. Associate Provost Hass emphasized the importance of UF ensuring that its support systems maintain strong student-faculty engagement.
 - Regarding the status of the GatorSafe app and its housing of complaints and kudos, the latter was not been added to the app and all individuals should be directed to <https://ombuds.ufl.edu/> and the [complaint portal](#) overseen by UF Ombuds Ron Anderson.
 - Of the faculty that have reached out to Faculty Senate leadership about HB7, most appear to realize that the law is in effect July 1 but are not aware of a possible injunction or other legal particulars, so communicating any new information is important, especially given that many are preparing course materials, syllabi, etc. now for the Fall semester.
 - The Provost's Office is preparing a follow up to the HB 7 training/communications it initially released.
 - Each college has a point person or "HB7 contact" who have been asked to advertise who they are at their faculty meetings, etc. The goal is for these individuals to be a 'go to' resource and to help 'trickle down' information and resources, even as HB7 appears to be a 'moving target'.
 - In discussing if this contact list should be distributed campus wide, Chair Phalin noted that the Deans are to communicate this information to their faculty. Associate Provost Hass will reach out to college liaisons to encourage them to promulgate resource awareness.
 - In discussing if it would be a good idea ahead of fall semester to provide an update of HB7, the Provost noted that to provide faculty the best guidance we have at the time, UF needs to hear ruling results, and then move forward with guidance from the General Counsel's Office, the BOG, and the

BOT.

- Anxiety rises in information voids and faculty need to be aware that Faculty Senate is monitoring the situation. Proactive engagement in living up to the law is important.
- Provost Glover stated that he is committed to keeping faculty apprised when the environment changes and sending daily updates may not be helpful, particularly as updates are widely available via the press.
- Making faculty aware of the creation of an oversight pathway and what the complaint process is, was discussed. The Provost noted that the process will be embedded in the regulation and the shape of it is yet to be finalized.
- Possible bullet points which could be included in communications from the Faculty Senate Office include informing faculty of when the BOG regulation comment period is open and that HB7 takes effect as a law today. Please forward other critical points of faculty interest to Chair Phalin.
- Chair Phalin asked for feedback pertaining to identifying a Faculty Senate position on this law and suggestions included: acknowledging the complexity of HB 7 and that faculty views span from being in favor of to being opposed to the law; having some pre-digested language may save resolution discussion time; and deferring to the Senate membership on a potential resolution and then accessing it on its merits at that time.
- Following an inquiry, Associate VP Fuller addressed what proceedings an injunction would preclude. He also briefly discussed the university's state law obligation, including that under state law, when a complaint is filed, it is confidential while an investigation is ongoing.
- The [BOG next meets](#) in August and the UF regulation may be prepared by then. The [BOT schedule](#) reflects that the retreat meeting takes place in September.

Adjournment

Amanda Phalin, Chair

- The meeting was adjourned at 9:40 a.m.