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## UFF Spring Non-Presidential Consultation Meeting

March 11, 2022

Zoom

10:00 a.m. – 11:00 a.m.

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### FSU-BOT:

Kyle Clark  
James Clark  
Renisha Gibbs  
Carolyn Egan  
Lisa Scoles  
Rebecca Peterson  
Tiffany Ward  
Adam Donaldson

### FSU-UFF:

Jack Fiorito  
Matthew Lata  
Scott Hannahs  
Robin Goodman  
Arash Fahim

## Minutes

### 1. Approval of Minutes from December Consultation

UFF

Renisha Gibbs welcomed everyone to the consultation. She confirmed the remaining members of the UFF team were being let into the virtual Zoom meeting room.

Matthew Lata returned Ms. Gibbs welcome and confirmed they were ready to proceed.

Ms. Gibbs expressed her enthusiasm at the two teams coming together for this Spring non-presidential consultation, the first one with the University's new Provost James Clark, who was excited to be present today. She continued that the first item was that of the minutes, and the Administration team had accepted the UFF's revisions.

Mr. Lata stated that the UFF team had a question about the agenda if the administration permitted.

Ms. Gibbs agreed.

Dr. Jack Fiorito inquired whether they could place additional items on the agenda. They had received many inquiries relative to Assignment of Responsibility percentages relating to coursework and were wondering if that item could be discussed at the consultation today as well.

Ms. Gibbs said they would be happy to add that item if time permitted, and if they don't get to it at the meeting her team can review and reply afterward.

Dr. Robin Goodman asked if since she had not yet formally met Provost Clark, the UFF team could engage in a quick round of introductions.

Ms. Gibbs acknowledged this as a great idea and asked them to please go ahead.

After a round of introductions, Mr. Lata confirmed the minutes had been finalized and accepted by both teams and moved to the first agenda item pertaining to building safety.

## **2. Building Safety**

**UFF**

Mr. Lata requested a follow-up to remarks President McCullough had made at the last Faculty Senate meeting.

Vice President Clark asked for elaboration on those remarks as he was not immediately familiar with them.

Mr. Lata explained the President had discussed when the administration had first become aware of the air contamination issue at the Sandels building. He had also announced a plan relating to the continued radon testing of all buildings going forward and had discussed resources available for faculty who were impacted by the Sandels situation.

Vice President of Finance and Administration Kyle Clark responded that, in terms of when they knew, January 2022 was the first time anyone had expressed concern relative to radon. A few members of the faculty had written a letter, and the administration had moved immediately to get the Sandels building tested and also made other accommodations. They had arranged two separate tests relative to radon in that building; the first one had revealed elevated levels of radon in the basement and on the second floor. After that, the university had worked with the Department of Health and a commercially certified independent radon testing group to establish appropriate testing procedures and techniques, and additional radon testing for the Sandels building took place. Additionally, approximately 40 continuous radon monitors had been installed around the Sandels building. These monitored the radon levels in an area over a 48-hour period. The results showed that at no point in time had the 4<sup>th</sup> floor of the building tested at an elevated level, which had been a major concern. Only the basement areas had come back at elevated levels for a residential setting. He concluded the university would continue to work with DOH, their consultants, and the independent firm to continue crafting the plan regarding the Sandels building.

He continued by saying that plans were being made for tests on all facilities on campus. There had been an additional concern raised around the Williams building; the administration had moved immediately upon hearing those concerns to order testing for the Williams building as well as a couple others. This had taken place in February, and all of those buildings had come back with measurements that were below residential guidelines. He communicated that those tests take 48 hours of sampling to complete before results came back. There were plans in place for testing to occur at all campus facilities for radon, and six more buildings were undergoing testing this week, including the Mag Lab and the College of Engineering.

A variety of factors were weighed in determining which buildings received priority for testing, such as building activity, geography, size of the building, and size of the basement, all in an effort to determine

where the highest probability of radon was. Diffenbaugh building was another they had received a request for expedited testing and was one of the buildings undergoing testing this week.

In addition to those initiatives, there were several other projects relative to air quality taking place on campus. In the Williams Building, an independent contractor was hired to clean the HVAC system, ducts, and other areas, and that project had already begun. A similar project was underway at the College of Engineering. He explained that the university had faced challenges in locating contractors who could meet the scope and specifications of what needs to be done. These certified vendors for mold remediation and radon were having to be brought in from outside of town. The testing process itself was laborious and time-consuming. A tremendous amount of thought and study went into each facility and the order of testing. They reviewed the floor plan, they took into account the HVAC system, they talked to facilities workers, and then he and the Provost met with subject-matter expert groups to make sure they fully understood what the results meant. He noted they were still awaiting the results for the latest round of testing.

Provost James Clark thanked Vice President Clark for that explanation and explained he personally met with faculty over the phone and in person and was very open to working with faculty and with the leadership in those colleges and departments to make accommodations. He had received a couple of requests, all of which had been approved. Most pertained to re-entry to an affected building to reclaim work that was left behind. He would instruct these individuals to work with facilities to make sure they showed up at a time that did not conflict with HVAC cleaning or other activities. His goal was to give faculty everything they need to be successful, and if he hears of these issues impacting tenure and promotion, he remains very open to working on that. His perspective is that no one should be penalized as a result of what has occurred.

Mr. Lata asked if the Provost had fielded any requests from faculty members regarding adverse student evaluations as a result of shifting modalities.

Provost Clark replied he had not fielded any requests of that nature yet.

Dr. Goodman stated they heard reports from a faculty member who had gone into a building that was undergoing radon testing on a weekend, and found the doors to be open and fans on. As a result, there were concerns that the radon measurement tests may be manipulated or obscured in some way.

Vice President Clark responded that he had heard this concern, and he and the Provost were taking it very seriously. The integrity of the test results was of utmost importance. The testing firm that had been brought into consult had recommended that the most accurate way to test for radon was in a normal setting, i.e., how the building is utilized on an everyday basis. He had spoken with the Dean about this concern and understood everybody was watching closely. Vice President Clark and Provost Clark had met with the authors of the reports, and they had shared that they felt very confident the test results were accurate. It was a situation they would continue to monitor.

Provost Clark echoed his agreement with Vice President Clark's assessment, adding that there had been additional confusion as a result of people using home radon tests and other meters. He cautioned that from what he has gathered as a layperson, the level of testing and sophistication needed for a building such as Sandels is vastly different than the equipment people can utilize for home testing. He continued that he had begun sending out, with the support of Vice President Clark, a weekly email to Sandel's faculty and staff to continually inform them of the situation. This had been occurring every Friday for the last several weeks. There had also been a website established as most people were already aware. The website has a mechanism where a faculty or staff member could click and send questions and concerns. They try to

collect and address those as quickly as possible. A strong feedback loop had been put in place, and he was very open to dialogue and trying to make good decisions in consultation with faculty.

Mr. Lata thanked them both for these responses and pivoted to the next agenda item, pertaining to the faculty poll results.

### **3. Preliminary Poll Results**

**UFF**

Dr. Jack Fiorito introduced the UFF's poll results, stating polling had only closed on Monday so the data was still being cleaned up. Highlights included increased interest in across-the-board increases. 63% of faculty had identified this as their main interest, compared to 52% from the previous year. There had been noteworthy interest in a just-cause standard for non-renewals. Expanding parental leave to include more family leave had again received interest. Faculty morale had experienced a slight decline. Administrator evaluations were difficult to put much stock in on account of both the Provost and President being appointed over the last year. He concluded they would share the results in more detail once the data had been cleaned up a bit.

Dr. Goodman commented she had noted an increase in comments relating to salary compression and inversion, as well as tension in departments where assistant professors were making more than full professors.

Dr. Fiorito stated the comments were always an interesting read, but he had not yet had a chance to review those.

Provost Clark replied thanking them both for this information. Stating he had done extensive survey research over the years, he said that he would be interested in looking at the final results.

### **4. COVID Update**

**UFF**

Mr. Lata introduced the next agenda item, requesting an update to ongoing COVID processes and protocols on campus. He noted recent infection rates seemed to be moving in a positive direction.

Vice President Clark answered that the university was working on a communication that would go out shortly after everybody returned from Spring Break, which would drop the "expected" language relative to mask-wearing. There was potential for further changes relative to the procedures as well. The testing labs which had been established on campus were likely to go away after the Spring semester, as utilization of those facilities had never really picked up during the Spring semester. The demand which had once been there had dropped off considerably. In terms of vaccinations, those would now be located in the Wellness Center, and would continue to be offered to students, faculty and staff, although the demand for vaccines had dropped off significantly as well. They had been distributing around 40 vaccines per week.

Mr. Lata commented that everybody at the College of Music was continuing to be masked. They had just had an out-of-town artist visit, and he had brought Covid with him. Four of the nine acting staff had been infected. Everybody had now recovered with no lingering effects, but the virus was still present in the world despite the decreasing infection rates.

Vice President Clark wholeheartedly agreed that it was, and that the university would continue to monitor and be aware of it.

## 5. Response to Legislation Restricting Academic Freedom

UFF

Mr. Lata shifted to the next agenda item, explaining that a conforming bill had been introduced in the Florida Legislature which would affect budget negotiations. This particular measure would strip performance funding from institutions that violate HB007. HB007 as originally drafted had not affected higher education that much, but this was the Legislature's attempt to tie it in. The UFF feels this was something administration needed to be aware of if they weren't already; UFF feels it would likely be passed at the next session. He questioned what the university's response would be to these ongoing academic freedom issues. He asked what he should tell professors who are feeling muzzled by what's happening, specifically, an attempt to codify violations of academic freedom. The University of Florida was being accused of violating the academic freedom of professors who were not allowed to testify in court, and they stood to immediately lose their performance funding.

He continued that the UFF was not pleased to see the accreditation bill had passed, although the UFF had worked in tandem with Senator Pizzo to insert a valuable amendment. He asked whether the administration had any response to the accreditation issue, and whether it would affect the university.

Provost Clark answered that his initial understanding was that the accreditation items would not affect Florida State University or its re-accreditation with SACS, but they were continuing to review all the language. Secondly, he does not believe that the University of Florida would be welcomed by other accrediting bodies. The research FSU had done indicated there were not many bodies who represented a good fit, particularly if there was continued political turbulence or litigation on this topic, which would make universities less attractive. There were also built-in penalties for joining new accrediting bodies, so the administration had to be very careful, stay close to the facts, monetize the labor and costs involved with this issue and educate everybody accordingly. The interpretation right now was that unless there was additional tinkering done with the bill, there was ample room for flexibility to make pragmatic decisions as the university moved forward. The legislation had been deeply concerning to everybody. He personally was not a fan of this legislation, but the key would be in the actual implementation language, which may not be quite as restrictive. He promised that both he and the President feel very strongly about academic freedom and the ability of the university to exercise its mission. They were prepared to defend academic freedom. He referenced the Board of Trustees meeting before last, where both the President and Chair Collins had re-affirmed the Board and the Administration's commitment to academic freedom. They would all continue to monitor this, and he was very interested in talking with faculty members if they feel muzzled or have concerns. He said that he hoped they would reach out to him directly.

Mr. Lata commented that the UFF strongly encourages the administration to weigh in on the funding bill before Monday; the UFF perceives it as a very real threat. Another item meriting discussion which had passed was a requirement to do a 5-year tenure post-review. Mr. Lata questioned when and how this would be implemented.

Ms. Gibbs responded that the administration was still absorbing and interpreting the large amount of legislative activity which had transpired over the past day or two, so it was difficult at this moment to answer specific questions. She communicated this was not an effort to be evasive. There had been a number of sizable changes late in the legislative session to a lot of these items, and as such the administration was still in the process of digesting it all.

Mr. Lata concluded by stating that he and his colleagues had been thrilled to see the union-busting bill shot down. He pivoted to the next item, requesting any budgetary updates the administration may be able to provide.

## **6. Status of the Budget**

**UFF**

Vice President Clark answered that he had held a meeting recently with the University Advisory committee to discuss the budgetary allocation process. Currently they were collecting information and requests from departments. The Legislature did allocate additional resources to the higher education budget this year. The administration was very grateful for those resources and was still combing through everything to see which categories were affected and the ramifications. He envisioned in the next couple of weeks they would have a clearer picture of the budget, what happened at the session, and what the incoming numbers would be. But now they were still working to determine those figures.

Dr. Scott Hannahs asked if this was the point in the budgetary process at which Vice President Clark would take all of the requests and recommendations and decide what gets included in the budget and what does not. He noted his understanding that this activity usually occurred around late March or early April.

Vice President Clark confirmed that timeline was accurate. This process would be ongoing for roughly the next 30-60 days, with allocations being made in May or June. He promised that retaining the university's excellent faculty would be high on the agenda this year. The budgetary outlook was more robust and lucrative than in years past, and faculty could expect a boon as a result.

Dr. Robin Goodman thanked him for these sentiments and jokingly promised to quote him on that at a future date.

Vice President Clark replied that when he, the President and the Provost met, they agreed there was nothing they want to do more than reward and retain outstanding colleagues.

Dr. Goodman answered that faculty would be enthused to hear these remarks. Morale had been dampened by the preliminary steps to eliminate tenure in the legislation, and positive news of any sort was welcomed.

Dr. Hannahs commented that these bills would make recruitment very difficult.

## **7. Legislative Update**

**UFF**

Provost Clark stated that he and President McCullough were aligned in their perspectives that the University already possessed a post-tenure review process. Further, they believed the decisions about when and how tenure was reviewed needed to remain close to home, inside the institution and in collaboration with the Board of Trustees, just as decisions of that nature and magnitude had always been made. He foresees the university continuing to look at the matter together with faculty, deans and department chairs, to determine the best course of action.

Mr. Lata opined that the authors of the accreditation bills either do not appear to comprehensively understand the accreditation process, or else they were just seeking to target higher education.

Dr. Hannahs asked if these issues and their ramifications had been discussed with the Board of Trustees.

Provost Clark responded that the President had done so and that the Board had communicated they felt very strongly that the authority rests ultimately with them, and that the appropriate processes were in place. The structure of the BOT is very strong, perhaps the most educated board that has ever presided. The Provost concluded he had been very pleased with the attitude and support from the Board.

Dr. Hannahs thanked Provost Clark for this response.

Dr. Fiorito asked one last question, stating that faculty had raised questions along the lines of “how come course instruction is only worth 15-20% on an AOR, when it used to be worth 25%?”

Ms. Gibbs answered that she would be happy to look into that, in conference with Dr. Janet Kistner, to see if anything from her office had changed recently. They would look into that and get back to the UFF soon.

Mr. Lata thanked the administrative team for their time and wished them all well.

Ms. Gibbs wished everybody a happy spring break and adjourned the meeting at 10:56 a.m.