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# THE FACULTY VOICE

The Newsletter of the FSU Chapter, United Faculty of Florida

Website: <http://www.fsu.edu/~uffinfo/>

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## Tenure at FSU

Tenure is central to the intellectual function of the academic enterprise. It provides a stable foundation for the exploration of new or unpopular ideas. It is not a sinecure. *Just cause* has always been sufficient for dismissal of tenured university professors. In one celebrated case a full professor was dismissed at Stanford for leading a torch bearing student mob in an attack on the computer center during the Viet Nam War.

Tenure at FSU is presently defined by the **Collective Bargaining Agreement**. The specifics of the definition are contained in Article 15:

*15.11 Termination/Layoff.  
Tenure/permanent status guarantees annual reappointment for the academic year until voluntary resignation, retirement, removal for just cause in accordance with the provisions of Article 16, Disciplinary Action and Job Abandonment, or layoff in accordance with the provisions of Article 13, Layoff and Recall, but does not extend to administrative appointments.*

The difference between Tenure under the **Collective Bargaining Agreement** and outside the **CBA** lies in the definition of *just cause*, and in the determination of whether or not the requirements of *just cause* have been met.

Under the **Collective Bargaining Agreement** contested termination of a tenured professor always involves binding arbitration with an independent arbitrator who is selected jointly by representatives of the administration and **UFF**. We have had enough experience with tenure termination cases to know that decisions for or against termination can occur depending on the facts of the particular case.

In the absence of the **CBA** termination of tenured professors is one of the responsibilities assigned under law to the president of the institution (2000 Florida Statutes, Title XVI, EDUCATION Chapter 240, Postsecondary Education, 1240.227 University presidents (5), ). In the past this statutory authority was governed by

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**JOIN UFF**

Board of Regents Rules (Chapter 6.5 c, <http://www.borfl.org/chn/rules/6c-5ix.pdf>). “(2) *Each University shall institute predetermination and appeal procedures for all employees with permanent or tenured status.*” When the **BOR** vanishes in another year or so, these rules will be moot, and the determination will rest with the local board and the university.

There is also a substantial body of experience with the disciplinary procedures that have been developed and used at FSU outside the **Collective Bargaining Agreement**. These procedures are subject to change as the administration of the institution changes to a local governing board system; however, past performance should give us some idea of what we can expect. In this case there is no case that we are aware of where a proposed termination of a tenured professor at this institution was not ratified by the institutional procedures in place at the time.

The difference between the two systems in terms of the protection of tenure seems quite clear. Under the **Collective Bargaining Agreement** tenure is protected by a formal arbitration with a neutral arbitrator. All of the arbitrators that serve on the **UFF/BOR** arbitration panel have direct experience in higher education. The arbitrators are selected for their neutrality which they very vigorously guard. Under University policy tenure is protected by a University established system. Experience suggests that this system may be subject to indirect administrative manipulation.

Tenure is central to the very intellectual life of the university community. It merits strenuous protection. Join **UFF**.

## **UFF General Membership Free Luncheon**

### **UFF Members and Non-members are Invited**

As a guest of UFF, you are invited to our first Spring UFF General Membership Meeting in the Micco Room of Oglesby Union, on

**Wednesday, Feb. 7, at 12:30PM**

The Micco Room is on the second floor of the Union, just outside of the elevators near the food court.

In addition to being treated to a free lunch, you can hear from our guest, Llona Geiger, State Executive Director of the United Faculty of Florida. She will speak to us about

### **The Tentative 2001-03 Contract – a Discussion of What’s been Gained and Protected**

You can also use this occasion to give your input to UFF on other issues.

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Please indicate whether you will attend the Luncheon by sending a note to Dan Kimel, UFF/FSU President, Physics Dept., Campus mail code 4350 or e-mail to [kimel@hep.fsu.edu](mailto:kimel@hep.fsu.edu)

## The Rapid Disintegration of the Board of Regents: What Happens to Faculty Rights?

Last spring the Legislature abolished the Board of Regents (BOR), effective 2003. It is expected that the Legislature will officially sign the death warrant this spring in the 2001 session. There remains a chance that the Legislature's action could be reversed in November, 2002, through a referendum on a state constitutional amendment reviving the Board, as U.S. Senator Bob Graham (D) has proposed. Governor Jeb Bush and the Republican legislative leadership have planned for some time to eliminate the BOR and replace it with a "superboard" responsible for all of education. There is nothing to stop the Governor from handpicking the entire "superboard" in accordance with any objective he would like. Since there will no longer be Regents with staggered terms appointed by different Governors, there is no way to insulate the universities from whatever draconian changes might be advocated by the most recently elected politicians..

The powers that be already had something else in mind: a "corporate model." In fact, Jeb Bush and his financial backers in Florida already had this model in mind long before he was elected Governor. They created a foundation, with Jeb Bush as president, to publish position papers on what it would be like to run the state like a business. Steve Uhlfelder wrote the first position paper, which discussed what Bush called (in the introduction) "the arcane practice of tenure." Uhlfelder advocated abolishing tenure and replacing tenure lines with multi-year contracts. These contracts would be renewed (every three years) if faculty were very efficient in producing student credit hours and if there were no other Ph.D.s who could do the same thing for less money. (Uhlfelder believes there is a huge pool of unemployed and highly-qualified Ph.D.s) This proposal was intended to appeal to corporate leaders who believe faculty are overpaid and underworked. At about the same time the Florida Council of 100, representing the state's largest corporations, formed the Business/Higher Education Partnership to organize support for the same type of business model of university organization.

Does this mean that faculty are powerless to affect the result? No. There definitely are two concrete things faculty can do: (1) Faculty on this campus can join with faculty on other campuses and with the university presidents lobbying for a "kinder, gentler" corporate model. The "superboard" is a dangerous idea. The new FSU Board of Trustees should have real autonomy, and the Governor's appointments to campus boards of trustees should be distinguished alumni and supporters -- not political operatives.. (2) Faculty on this campus can join UFF to create an effective bargaining team to negotiate a new collective bargaining contract with our Board of Trustees. When the Board of Regents disappears, the faculty contract with the Board disappears too. But the **one we will ratify on February 9** will probably be in effect until a new agreement is negotiated.

### Vote on Your 2001-03 Collective Bargaining Agreement by February 9<sup>th</sup>

Complete tentative contract text is available

1. at the Reserve Desk of Strozier Library.
2. on line at [www.fsu.edu/~uffinfo/](http://www.fsu.edu/~uffinfo/)

Votes can be cast either in person or by mail.

1. Vote in person at 234 Oglesby Union from 12 noon until 3 PM on Friday, Feb. 9, 2001.

Or

2. Return mail ballots to:
 

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