

Direct Democracy versus Faculty Senate

Dear colleagues:

We do not believe the debate regarding a faculty senate should proceed without a critical examination of the arguments that have been presented. We now have been presented with both a draft bylaws for a proposed faculty senate system and the rationale for a faculty senate system presented last year. Below is the text (in black) of the rational for a faculty senate distributed by President White. In blue font, we present replies to those rationale. After that, we also present general and specific criticisms of the proposed senate system.

We urge the Faculty Association Executive Committee to ensure that the Association engages in a robust, thorough, and transparent discussion of the documents now before the faculty.

Context:

Direct democracy (UNF's current form of faculty governance) is a system in which all major decisions are determined by plurality vote with each member of a given community having an equal say in the outcome. Decisions are made not by representatives of the people but by the people themselves. To work well, direct democracy necessitates active involvement in and knowledge of the issues by the entirety of the voting public.

A senate—the faculty governance system used at the vast majority of colleges and universities nationwide (AAUP)—is a system in which a population elects members to represent their interests (most often from within a subgroup of the whole or a particular interest group/body). A senator is charged with understanding the nuances of relevant issues and is empowered to make voting decisions that she/he considers to be in the best interests of constituents or the whole. While a constituents' preferences are a major consideration in how a senator might vote, the senator's vote does not have to represent those preferences.

Rationale for a Faculty Senate:

- 1) UNF faculty need an opportunity to choose their form of faculty governance (regardless of outcome). With the retirement of UNF's founding faculty, no faculty member at UNF has had a say in the type of government they want.

That no current UNF faculty member has had a say in the current faculty governance system is true. The same could be said for all living U.S. citizens. And a little revolution now and then might just be a good thing. However, like our federal constitution, our UNF Faculty Association bylaws have a delineated process for amendment. If there are broken aspects of our system, indeed let us fix them. However, wholesale discarding of our current system may not be needed. Let us fix what's broken and keep what works. The authors of these rationale argue that it is the manner of voting and representation that is broken. However, the proposed senate bylaws seem not to fix those problems and have significant problems of their own.

For example, the proposed senate would replace our direct democracy voting with a senate made up of 1 senator for every 30 faculty proportionately distributed by college. Thus, if there are 600 faculty, the senate would be composed of 20 senators, half of whom

Direct Democracy versus Faculty Senate

would come from one college (COAS). How is this *more* representative of the voice of the faculty?

- 2) Direct democracy is a very rare outlier in terms of governance structures and is relegated primarily to very small and largely homogenous constituent bodies. Direct democracy made more sense for UNF faculty when that body was very small in number (1969).

Direct democracy may indeed have made sense back in 1969. However, we fail to see how simply because it is rare today, that it somehow doesn't make sense for us now. It does not necessarily follow that since a form of political organization is rare it is thus flawed. Moreover, *we would argue that just because other universities use other governance structures, that does not mean those other structures are appropriate for UNF.*

The American Association of University Professors provides a list of traits of effective faculty senates (<https://www.aaup.org/NR/rdonlyres/4EC2E3B8-3A09-4D39-AC6D-BDE365AD6331/0/Traits.pdf>). We copy them here:

- "Permanent office space, files, archives
- Annual budget (travel, telephone, computer, supplies, etc.)
- Secretarial assistance
- Adjusted workload for officers
- Regular meetings with college president
- Consulted on creation of all non-senate committees
- Senate president (faculty officer) presides at senate meetings.
- Bylaws specify areas where senate decisions are normally determinative, co-determinative, or advisory
- Meetings and activities advertised in advance and records of actions widely published
- Attracts both junior and senior faculty who are esteemed as academic leaders
- Is regarded by the campus as dealing with crucial issues
- Has effective representation on other key governance groups
- Senate leadership visible in the ceremonial and symbolic affairs of the campus
- Initiates a major portion of its agenda items
- Defends the core values of academic freedom, determines curriculum
- Provides an effective forum for controversial issues
- Is seen as an agent for necessary institutional change
- Grounds its practices in parliamentary procedure and published and endorsed principles of governance"

Which of these traits is missing from the current governance system and how does the proposed senate bylaws provide for all of these? Again, we do not argue that our Faculty Association is perfect. It has flaws and can always be improved. *We are in favor of seeking improvements where they are necessary.*

- 3) Major academic decisions need the input of all stakeholders. Many faculty members cannot attend Faculty Association meetings due to teaching schedules and other work-related duties, thus denying them the opportunity to vote, to speak their minds, or to have their views represented by others.

Direct Democracy versus Faculty Senate

How will a faculty senate rectify the issue that not all faculty can attend FA meetings? Presumably a senate would have to meet on a day at a time and some faculty may be unable to attend those meetings on those days and at those times.

What about input of stakeholders? Presumably, senators would represent stakeholders at senate meetings. (Or perhaps they don't have to represent constituents' preferences as indicated in the "Context" section above.) However, how are representative senators any different from the members of our FA committees who are elected by the faculty of the various colleges and library to represent their interests? The current FA committee system mandates representation from all the colleges and the library on nine of the twelve committees (the exceptions being the Executive Committee composed of the chairs of all the other committees, and the Faculty Affairs and Budget Advisory Committee composed of members at large).

We argue that a senate system can just as easily deny someone the opportunity to vote, to speak their minds, or to have their views represented by others. Indeed, a senate system could deny an individual faculty member the ability to cast a vote on an issue of importance to them if they are not one of the few elected senators. Our current system provides at least a chance that a faculty member can exercise his/her franchise and vote against an item.

- 4) Responsible voters must be informed about the issues. It is impractical if not impossible for faculty across all disciplines to be informed about the contexts required for responsible voting on many issues that come before the Faculty Association.

We reject the implication that those who have been voting at Faculty Association meetings are un-informed. Our experience has been that faculty who attend FA meetings are engaged, concerned citizens of the university. Indeed, we believe many attend FA meetings to remain informed about issues of concern and that attending FA meetings helps faculty grow knowledgeable about issues of faculty concern.

The current FA committee system ensures that faculty most interested and informed about topics are responsible for researching issues of concern to faculty, debating those issues, developing agenda items, and presenting those items before the faculty for a vote. Faculty are nominated or self-nominate for the various committees and faculty usually accept nominations for committees upon which they wish to serve or for which they have some expertise. A senate system does not guarantee that elected senators are either informed or interested in the issues before them. Nor does it guarantee that they will, once elected, become informed about the issues before the senate.

Indeed, the proposed bylaws require that all committee chairs are elected senators. Thus, a few senators will control the agendas of the committees and there is no delineated process for how senator chairs will be selected for the various committee. A senator could be completely uninterested in a committee that she/he is put in charge of.

- 5) Equitable governance requires diverse voices and debate. Many faculty (especially junior faculty) do not feel empowered to speak at Faculty Association because higher ranking departmental colleagues, chairs, deans, the provost, AVPs/VPs, and the president regularly and rightfully attend.

Direct Democracy versus Faculty Senate

We advocate for diverse voices, however, we do not see how a senate system will, by itself, add diversity to the voices in our governance system. If we are concerned about junior faculty voices, then how will a senate system solve the problem. Elected senators will no doubt be overwhelmingly senior faculty who have the time and safety of tenure to serve in that capacity. Junior faculty will be discouraged (rightfully or wrongfully) from taking on politically dangerous and time-consuming senatorial positions. And if a junior faculty member is unwilling to go to a senior faculty member and ask them to speak out about a cause on the floor of the Faculty Association, what makes us think that they will go to an elected Senator and ask the same thing.

We are strongly in favor of encouraging junior faculty voices and indeed voices of all subaltern faculty. The last FA administration sought out methods for us to conduct anonymous votes on the floor of our Association meetings. We think this is an example of how the FA can change and evolve to serve the needs of the faculty. But we need to find other ways to add greater volume to the voices of all of our faculty, particularly those who have been silenced in the past. But the proposed senate system, does not in and of itself, ensure diverse voices and debate.

- 6) Faculty need to have a say on the issues that affect them and their students. In the current system, voting on major issues can take place with a quorum of only 40 members (out of 600 in-unit faculty) and includes out-of-unit administrators and staff.

In our current system, voting can indeed take place with a quorum of only 40 members. If this is an issue, then by all means adjust the quorum requirement. Since moving our meeting to the Talon room, our meetings have regularly attracted membership attendance in the 80s and 90s. Over the course of the pandemic, our Zoom meetings have likewise attracted that many attendees. If the quorum number is the problem, fix it. Don't change our entire governance system for this one issue. By the way, the proposed senate system uses the 40 faculty count for its no confidence article (line 542). If 40 is such a horrible number, why use it? Moreover, the proposed senate (of say 20 or so senators) will have a quorum requirement of one-half plus one (line 247). So there is the potential for 11 senators to decide matters of importance to the 600 faculty. Now, if we are concerned about 40 faculty members making decisions for the faculty, then we don't see how 20 senators voting would be much better.

Now, if you look at the vote counts of recently held votes you notice that we do not have 80-90 members voting. This is often due to the near loss of quorum as faculty leave the meeting when voting begins. It is for this reason that the Association amended its bylaws so that the order of the agenda could be adjusted by the Executive Committee so that voting on key initiatives takes place first when attendance is high. The FA Executive Committee could and should attend to this and find ways to encourage high voter turnout. Perhaps voting need not be synchronous. Perhaps voting need not take place during the meeting. This is a problem we can fix, but we do not need to switch to a senate to do it.

Those in support of a senate model seem concerned about out-of-unit faculty-administrators voting. However, the assumption seems to be that suddenly these individuals, by dint of being in an administrative role, have suddenly lost all understanding or empathy for the concerns and lived experiences of in-unit faculty. Moreover, the proposed senate bylaws are silent on the participation of out-of-unit faculty. Do they get to vote for senators? Do they get to run for a senate position?

Direct Democracy versus Faculty Senate

- 7) Concentrated power may affect greater change (versus power dispersed over 600 people). Further, senators would take on their constituents' concerns as their own (i.e., no need for anonymous questions).

We ask the UNF faculty to carefully consider this stated rationale of those who support a senate model. *They explicitly wish to concentrate power in the hands of a few people.* Think about that. *We think this is a very dangerous, anti-democratic position. We also worry about in who's hands they wish to concentrate power.*

We cannot follow the logic that assumes a senate system will affect greater change. Presumably, the proposed senate system would have a senate President, VP, Secretary, etc. while our current system has an Association President, VP, Secretary, etc. A senate system would have committees with chairs as does our current FA system. Perhaps those in favor of a senate system envision senate officers who have more power (or authority) than our current FA officers. But those new or greater powers have not been enumerated. Moreover, we are not sure what powers faculty would wish to abrogate to senate leaders and how those powers would be wielded to affect change and if those changes would be desired by faculty.

There seems to be a disjunction between the statement here that “*senators would take on their constituents' concerns as their own*” and the statement in the Context section above that states “*the senator's vote does not have to represent those [constituents'] preferences*”. Who do senators represent? Consider this, how many of us feel that our current Florida senators (messieurs Rubio and Scott) represent our concerns and preferences in the national senate? In our current system, we can each vote as we like, and we can make our voice heard by our faculty colleagues before that vote.

What is the explanation for how a senate system will obviate the need for, or reduce the use of, anonymous questions?

- 8) A representative form of government is better suited to protect against the tyranny of the majority—an issue of particular concern for smaller programs.

We do not see how a representative senate will alleviate the issue of the tyranny of the majority. Would not a majority of senators (say the COAS block) be able to impose their viewpoint on a minority? Indeed, with a senate system, a small program might have no members who are senators and thus might have no vote on an issue. On the other hand, in our current system, a program's faculty can all attend an FA meeting, express their opinion, argue their case, and vote their conscience.

Moreover, *this rationale seems to ignore that agenda items voted on by our Association must first travel through our committees, typically at least one of the standing committees and then the Executive Committee. These committees are populated by faculty elected to their position by the faculty of the colleges and library.* Once passed by one committee, the item goes to the Executive Committee where it is scrutinized and argued over again, before then being placed on the agenda for a full FA meeting. Often items eliciting controversy at the Executive Committee are sent back to the originating committee and/or another committee for further work and consideration.

Direct Democracy versus Faculty Senate

A majority of Association members may indeed be tyrants with items at full Association meetings, but they must first get those items through committees of elected faculty who represent the various academic units.

- 9) University administrators can (and have) served as president of what is supposed to be our faculty governance. While these administrative colleagues have stepped up and served selflessly, this is problematic because the Faculty Association President is the only faculty voice on the Board of Trustees.

The President of the Faculty Association is always an out-of-unit faculty member. *By being a member of the Board of Trustees, the FA President is made an out-of-unit faculty member. As indicated in the proposed senate bylaws, the Faculty Senate President would likewise be out-of-unit by virtue of being the faculty's representative on the Board of Trustees. Indeed, the current FA President is out-of-unit.* We don't think that makes our current President any less our representative.

Now is it a problem for someone to be both a faculty-administrator and an FA President? We are not so sure. Radha Pyati was a department chair at the time she was FA President. Many felt that Radha was one of the best FA Presidents we've had recently. If we want to exclude out-of-unit faculty from membership in the Association, then we can certainly do that with a bylaws change. However, we don't see how that solves any problems and may exacerbate them.

Does anyone really think that the Administration is going to be more likely to accept faculty recommendations and agenda item if we toss out-of-unit faculty out of the Association? We often speak of "going to the dark side" when our colleagues step into administrative roles. But we all know faculty-administrators whom we trust and serve faculty interests. We are not sure vilifying or excluding those among us who feel that have something to offer the institution in the form of a more formal leadership role is a good thing. Would we rather have our chairs, associate deans, and directors selected from the non-academic, non-faculty ranks? We believe that faculty should be running as much of the university as possible. To do that, we need good faculty to take on these roles; while at the same time, we need to keep these faculty within the faculty fold so that they retain their commitment to faculty ideals and ground them in what is important to faculty.

- 10) A faculty senate could retain aspects of the Faculty Association we most like (e.g., large gatherings in which faculty can congregate, hear about the issues first hand, and voice their opinions to senators and the faculty as a whole). Many faculty senate models have "city council" types of meetings. Further, a senate model could incorporate much of the FA committee structure now in place.

First, let's talk about what "works" about our faculty governance system, not what we "like". Some faculty like asking anonymous questions, some do not like the anonymous questions. The question is whether or not a feature serves the interests of the faculty.

Second, it sounds like what *we need to do is decide what works and what doesn't work about our current system and then fix what doesn't work.* This is a far cry from just jumping to some ill-defined, but apparently popular at other schools, senate system. Our Faculty Association system has not gone unchanged in the past forty-some-odd years. There is a mechanism for changing things. We know this since the Association has made

Direct Democracy versus Faculty Senate

changes in the past 20 years. The authors of these rationale have attempted to highlight what they think a senate system would fix and in doing so have tried to highlight what they think is broken about our current system. But it seems to us that we should focus on fixing the broken and keeping what works and not simply toss over one system for another because it is called something different. Moving to a senate system might fix some things (though we have argued above that it won't fix what its proponents think it will), but it might just as easily break things that do work.

Third, this tenth rational seems to be saying this: We keep the large town hall gatherings. We keep the FA committee structure. But we call ourselves a senate, we kick out out-of-unit faculty, and take away to right to vote from some 580 faculty.

Other broader issues:

1. At the October 21st, 2020 Task Force meeting, the Faculty Association was criticized for being too bureaucratic, difficult to understand, and antiquated. We don't see the proposed senate as being any less bureaucratic or easier to understand.
2. Moreover, the proposed senate does not improve communication between administration and rank-and-file faculty, between the faculty governance system and faculty, or even between the various committees of the faculty governance system. Senators would be under no obligation to report back to faculty or communicate faculty concerns to the senate. What specifically about FA is being fixed by this proposed senate system and how is it affecting that fix?
3. Direct democracy works best when issues impact all those in the community. We believe that is often the case here at UNF. Moreover, a senate system has the very real potential of destroying our collective sense of community.
4. Adding a senate significantly reduces the incentive of the administration to address, reach out to, or even interact with the faculty at large. With a senate system, there is now an extra layer of bureaucracy between regular faculty and faculty senators. There is no incentive on AA's part to be accessible or transparent to everybody when they can easily hide behind only interacting with the senate.
5. How many Assistant Professors are going to be in the proposed senate? Yet they are a huge portion of our faculty and an extremely important one. For many faculty, FA meetings are the only exposure they get to governance – or even administration in general. This is their chance to get introduced to and experience this process and the people in it. Yeah, FA meetings are full of admin, but that's a good thing.
6. Do we want to set up a hierarchical system of faculty and faculty-senators? In a time when we as a nation are considering issues of social justice, and when we can all acknowledge that Higher Education and UNF are not immune to the issues of differential power that afflict our society.
7. We have often heard laments about the lack of debate at Faculty Association meetings. We acknowledge that there is a generally high level of consent at our meetings. Yet the reason for the lack of debate is perhaps not so clear. We suppose those who lament the lack of discord see it as an indication that faculty are "sheeple", easily led. However, many of us have seen the debates among the members of the Executive Committee and have fought tooth-and-nail in committee meetings. We see things differently. The give-and-take, thrust-and-parry of debate over issues always takes place in our various committee meetings. By the time an agenda item reaches the full FA floor, it has often been subject to considerable (some might say excessive) debate and thus has benefited from the resulting fine-tuning, adjusting, problem-solving, wordsmithing, etc. But even still, there have

Direct Democracy versus Faculty Senate

been items that have reached the floor only to be sent back, often because a faculty member, not on our committees notices a flaw. Thus, we avail ourselves of a final “look-see” by the faculty to vet our agenda items, and we are the better for it.

8. The proposed senate system will have similar committees. But it is unclear how agenda items will be developed and what hoops they will have to pass through. It seems possible that the senate President could introduce a new, unreviewed item to the senate, convince a simple majority of the 20-or-so odd senators to vote for it, and that's that. This would limit debate and faculty oversight.
9. Is the Faculty Association that different from a faculty senate and if so, in what ways? The FA is comprised of 12 committees, three elected officers, and an appointed parliamentarian. The 12 committees are comprised of 88 elected, voting faculty members. As noted above, these faculty accepted nominations or actively self-nominated because they care about and/or are interested in the issues of the committee. Some run because they have a gripe and want to affect change. Some run because they like the system as it is and want to keep it the same. We believe most run because they care, they want to make a difference, and they want to have a say. Per our bylaws, these committee members represent the full sweep of our colleges and the library.
10. How would a senate system be different, and most importantly, how would it be better? Apparently, the proposed senate system would have committees. But those committees would be chaired by senators. Committee members would be elected. But elected committee members would not be senators. What happens when an elected committee wants to place an agenda item before the senate, but the senator-chair of that committee disagrees and refuses to place the item before the senate? Or what if the senator simply fails to voice support for the committee recommendation? We thus would have a system in which senators have more power than the committees of elected faculty. Why serve on a committee? Moreover, the rationale for a senate system wanted to do away with uninformed faculty members. How does the proposed senate committee system do that?
11. How are 20 senators more representative of the faculty than 88 elected, committee members of the Faculty Association? How does removing the voting franchise from all faculty except faculty-senators lift up the voice of junior or marginalize faculty?
12. Agenda items that reach the FA floor have typically originated within one of the committees. They then pass through the Executive Committee. The Executive Committee decides if the item gets placed on the full FA meeting agenda. Thus, those agenda items get another vetting by elected faculty representatives. If they pass Executive Committee muster, they go to the floor where all members of the Faculty Association can express their opinion and vote on them. Thus, the majority of the membership can reject (veto if you will) any item they wish. Presumably, a faculty senate would not put its passed items before the faculty for a referendum as the Faculty Association does. How is this better? And if it did subject its items to referendum, how would it be different from the Faculty Association?
13. Is now the right time for a wholesale, radical change to our governance system and should we agree to such a change without first having a robust debate? We are in the midst of a global pandemic and are returning to campus for the Fall semester. Is taking up this issue with what little time and effort faculty have available after our teaching and research duties the best use of our time? We don't think so. On a fairly regular basis these days we are presented with the faculty union's efforts to protect faculty and wrangle with the administration over what they see as critical issues for faculty right now. We can agree or disagree about their choice of issues

Direct Democracy versus Faculty Senate

and tactics, but we don't question their intentions to represent faculty and work energetically on our behalf. We would like to see our Faculty Association being just an energetic about advocating for faculty during this crisis. We have committees that focus on domains of importance to faculty. Where are the calls from our FA leadership to these committees to dive in and tackle faculty concerns in the face of budget declines and the realities of teaching and scholarship in the context of a pandemic? We would rather see that than dividing the Faculty Association membership over an unnecessary debate of senate/no senate.

14. Should we make changes to Faculty Association to improve things? Yes, yes, yes!

We regularly make changes to the bylaws of the Faculty Association. Usually, these are incremental and small. Now may be the time for more significant changes. We should talk about our quorum level, our membership definition, the structure of our committees, and the operation of our voting and meetings. These can all be addressed through bylaws changes. Moreover, there may be novel and innovative ways to improve things. We think we should explore these. We are not against change. We want our faculty governance to evolve and improve so that it can always serve our faculty.

Specific Problems/concerns/questions with the proposed senate model:

1. The election of senators is very unclear (lines 80-106). For example, what happens if there are 10 senator slots for a given college and there are 15 nominees? How is the voting conducted? Is it the top ten nominees who receive the most vote who are elected? What happens if there are 10 slots and only 8 nominees?
2. The proportionate representation (lines 45-56) seems designed to privilege the largest college. A true senate system would have the same number of representatives from the constituent units. The proposed system is more like a house of representatives system.
3. The proposed senate bylaws state (lines 265-266): "The following standing committees shall conduct the majority of the work of the Faculty Association and shall be made up primarily of non-senators." So, the non-senators do the work and the senators get to vote on things. Is that how it's going to work?
4. The proposed senate contains more committees than the current FA has. This seems to run counter to the rationale of concentration of power outlined in rationale #7 above.
5. The proposed senate system speaks of (line 503) placing "on file in the Association office" minutes of its meetings (see also lines 174-175). The Faculty Association has, for decades now, been posting its minutes electronically for all to view.
6. The proposed senate model reduces the membership of the Academic Programs Committee to 8 persons. Do the faculty feel this is sufficient representation on this committee? Will 8 people be able to represent dozens of departments, schools, and programs?
7. Apparently, the members of the Research Committee are not elected (line 361). How are these members to be selected?
8. Why does the proposed senate system include the Vice President for Governmental Affairs and the Student Government President on the Policy committee (lines 353-355)?
9. Lines 321-326: How many adjunct professors will serve on this committee? Two (line 322) or three (line 323)? Will these adjunct faculty be remunerated for their service?
10. The proposed senate system involves more elections than our current FA system. An election will be held for senators. An election will be held for faculty members of

Direct Democracy versus Faculty Senate

the committees. A senate election will be held to elect senate officers. Presumably, there will be an election to vote on senators who will be chairs of committees. It is unclear if a senator can be elected to serve as a faculty representative to a committee. What happens if none of the elected senators wish to fill one of the officer roles?

11. The proposed senate system (lines 473-479) makes its Policy, Regulations, and Legislative Committee the sole liaison with the UNF chapter of the UFF. Why? Why can't other committees work with the UFF?
12. Why is the investigation of academic misconduct not a part of the delineated responsibilities of the Faculty Affairs committee in the proposed senate system (lines 455-463)?
13. (Lines 214-216) It is entirely unclear who (what group) will establish the senate's agenda. The lack of clarity here is especially concerning as it seems possible that a hand-picked subgroup of senators could be tasked with setting the agenda for the senate.
14. Will senate meetings be face-to-face, virtual, or some hybrid?
15. It is not at all clear that the faculty have the authority to designate who is the Grand Marshall of the university (lines 147-147). Indeed, we don't even know what this role is or why it should be given to the senate president.
16. Removal of a senator requires a petition signed by 30 faculty from within the college (lines 140-141). For COAS, this is 10%, but for other colleges it is a far larger percentage. Why is COAS being given an easier standard for votes of removal of their senators?
17. Why is the senate president given the authority to replace senators without the consent of the unit those senators are supposed to represent (lines 126-130)?
18. Who can vote for senate officers? Is it only senators? Why? Why not open the vote for officers to all faculty? And who will call the senate to order and preside over the vote for officers?
19. Why do senators in the proposed system only serve one year?