

University Faculty Council meetings ordinarily consist of discussion of issues of university-wide importance. These minutes may identify issues that have been discussed and may record viewpoints or opinions held by one or more UFC members. Unless explicitly stated otherwise, these minutes do not reflect the views or opinions of the UFC as a body and do not indicate that any consensus was reached among UFC members.

University Faculty Council
Tuesday, November 2, 2021
1:00 pm to 3:00 pm
ZOOM meeting

In Attendance

Seaver = Chris Doran (absent), Maire Mullins, Jennifer Smith (chair), Hollace Starr (secretary)

PGBS = Mark Chun, Augus Harjoto, Richard Walton

GSEP = Dennis Lowe, Veronica Viesca

CSOL = Mark Scarberry (vice-chair), Sukhsimranjit Singh

SPP = Ted McAllister

Admin = Jim Gash, Jay Brewster. Lee Kats

Prayer

Academic Freedom discussion

1. **Two Questions.** Question 1: is the statement in its current form ready to go out to the faculties of the 5 schools? Question 2: What would that process be?
2. Opening up to new members for discussion.
 - a. UFC's authority to craft statements.
 - i. The UFC doesn't have the authority to put forward a statement of this kind. It is overreach, and this committee is merely advisory. That other universities have their statements embedded in their faculty handbooks. That this committee has taken this up is an example of overreach.
 - ii. The UFC has a history of creating documents to distribute to the faculties for approval. Academic freedom falls within that category because it affects all schools. The approval of the document would

need to happen in the schools, in the provost's office, and among the members of the board.

- iii. The UFC has tackled issues of this nature before. It put together a shared governance document. The charter allows the UFC to develop organically. The current academic freedom policy is lacking, and it is contained only within the tenure handbook and therefore difficult to find easily.
 - iv. Rick Marrs either supported or at least did not discourage the UFC from putting a statement together. The UFC then tasked Jennifer Smith, Mark Scarberry, and Matthew Joyner with putting the document together, basing it on the AAUP statement as adapted for Pepperdine.
 - v. The recent discussion of the academic freedom statement came after the Pete Peterson email incident and discussions within this group that identified a culture of fear within Pepperdine to speak openly about problems and disagreements. But there is a longer history than just that. This committee has considered crafting an academic freedom statement in the past, but in terms of free speech as well. However, the committee became busy with other business and was unable to craft the statement four years ago when the topic was initially raised.
- b. Problems with statement #2 in AAUP statement. Issue was taken with statement number two within the AAUP portion of the proposed statement. There was concern that the statement leaves up for debate who deems a topic "controversial." Examples such as Walt Whitman's sexual identity and Critical Race Theory were raised as potentially controversial items. Would these be censored?
- i. It was argued that the statement #2 actually encourages controversy. One must read the full statement.
 - ii. It was requested that we delay a vote in order to spend more time talking about the proposal, but this request was not supported by the majority of members.
 - iii. The provost spoke positively about this committee and the work it has done on this statement, noting that the current statement wouldn't be effective in difficult situations. The UFC does have a strong and influential voice, and this process has been approached with earnestness. If the draft moves to the Provost's office, there will be bodies such as general counsel that can help with the final wording, but there is merit in the language around the roots of the

institution. It is reasonable that this committee would work on this topic.

- iv. The president agreed that this process has been productive and fruitful. It is valuable to talk about what academic freedom means at Pepperdine.

c. Does the committee like the document?

- i. The document aligns with AAUP.
- ii. It is common for schools to change and adapt the language, and rarely (or only occasionally) is the AAUP statement put out without any additional comments at all. Usually, universities provide a narrative, and sometimes they make modifications to the AAUP statement itself.

1. For example, in footnote 3, we make some clarifications.

- iii. This is by no means a final statement. We held the document and did not distribute it earlier so that we could discuss it and ask hard questions.

- iv. It was raised that the committee taking up academic freedom is for performative reasons.

1. It was argued that this is not performative, but a statement such as this could serve as the ligature for Pepperdine University. There are outside organizations such as WSCUC that regulate Pepperdine, but these bodies, not Christian in nature, might seek to impose ways of thinking that limit academic freedom. We need good mechanisms that will allow for conversations that we are currently not having at Pepperdine.

- d. It was raised that the draft of the academic freedom statement weaves in the Churches of Christ roots. It is open to inquiry, gives language to our purpose, and directs us toward a collective identity. It's a statement about who we are and why we affirm academic freedom. The UFC is trying to accomplish things and to have conversations across all 5 schools. We are trying to create a unique document that engages our community.

3. Process.

- a. In light of lack of consensus. It was suggested that consensus would not be reached and that the committee move on to discuss procedures for getting the document out to the schools. A representative from each school outlined the process for putting the document forward:

- b. The processes are

- i. at PGBS: At the all-faculty council meeting next month.

- ii. at GSEP: A full faculty vote at the faculty association meeting.
 - iii. at LAW: A vote of all the faculty who have voting rights on general issues.
 - iv. at SPP: It would be brought to all tenure and tenure track faculty. A discussion would follow, then: approve, approve with modifications, reject.
 - v. at SEAVAR: It would go to the senate and be brought forward for discussion.
- c. Delay of vote further.
- i. It was raised that we should not put the vote off whether to send the document to the faculties, and that we should make a decision by voting within the meeting.
 - ii. It was suggested that we might tentatively approve to send the document out to the 5 schools, while allowing for objections following the meeting.
 - iii. The president considered that the document may go to the president and the provost, and would move forward to the board. General Counsel would likely be involved.
 - iv. The provost agreed. The provost would listen to the process from the schools and then consider whether the document was acceptable to the administration or possibly should be modified. It could be brought back for more discussion, and the board would weigh in.
 - v. If the document goes out to the faculty and is not approved by all five schools, it does not move forward.
- d. How should we come to a decision?
- i. Various processes for approval/disapproval were discussed.
 - 1. 4 faculty in disagreement would mean that the document would not go forward.
 - 2. Questions were raised about the distribution of the 4 - did it matter what schools they were from?
 - ii. A motion was made to move forward with sending the document to the schools, subject to the receipt by the chair of a minimum of 4 dissenting votes by 9pm, in which case the document would not be sent to the schools. What schools the dissenting votes came from would not play a role, just that there would be a minimum of 4 for the process to not move forward. The motion was approved.

Academic titles for non-tenured faculty (practitioner, adjuncts, year-to-year visitors, etc).

1. In PGBS, this issue has actually been resolved and there are new titles: assistant professor of practice, etc.
2. PGBS has adopted this, but this may affect other schools when instructors hear of the change. Is there another body besides RTP that will do an evaluation of this?
3. Seaver created a fixed term faculty handbook.

UFC charter: questions raised.

Does the number of representatives need to be modified?

1. The sizes of the schools has changed. GSEP now has 3500 students. What are the guidelines used to establish representation.
 - a. It is not student body size but tenure track faculty size that determines representation.
 - b. UFC representation is not proportional the way that the House of Representative is proportional. It is primarily a deliberative body.
 - c. It was determined that data would be gathered.
2. Term limits. Do we want to explore them? If we always have the same voice from the same people, we might not get a diversity of opinions. The seat on the UFC shouldn't be a lifetime appointment.
 - a. It was suggested that the individual schools should decide how to elect representatives and whether to limit terms.
 - b. In SPP, half of the faculty have been representatives. It is not so much who wants it, but who will take it.
 - c. In PGBS, there are term limits.
 - d. Adding term limits would deprive the Council of historical memory, which can be very informative.
3. Attendance of the vice provost.
 - a. Lee Kats has been attending meetings by invitation for a decade or so, but he is not in UFC charter. Given that he has been attending and that his voice has been valuable, do we want to add him to the charter as an additional administrator.
 - b. A motion was made to approve.
 - c. Discussion:
 - i. It might need to go to the faculties for discussion.
 - ii. His presence is valuable. He can be present ex officio.
 - d. It was determined that too many people had dropped off the meeting and the topic would move to the next meeting.