

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 Minutes

Friday, April 15, 2022

8:30-10:30 am

ZOOM meeting

### In attendance

Seaver = Chris Doran, 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

### Agenda

#### 1) Prayer

#### 2) Report on Expense Claims Procedure Mtg. w/CFO Greg Ramirez. (Rick, Hollace, Jennifer)

##### a) Report on meeting

- i) The meeting was proactive and positive. There is a process already in place to review procedures. Greg Ramirez is aware that some procedures are different from other universities. His office is considering a per diem. He was more cautious about not having to provide detailed credit card receipts.
- ii) Greg Ramirez asked that each school reach out to their finance manager with feedback about how things can improve. That feedback will be incorporated into the review process. The review process is taking place right now with the goal of creating a report by July.

##### b) Additional questions

- i) There were additional questions such as what to do in the case of conferences that are moving to e-filing of receipts and how to reconcile bank to bank transfers.
  - (1) Additional questions can be put forward to the finance managers of the individual schools.

##### c) Greg Ramirez provided the following links as resources.

- i) [Cashier's Office](#)
- ii) [Employee Reimbursements](#)

d) It was mentioned that Greg Ramirez was appreciative of the meeting and that this type of conversation is a good use of the UFC.

**3) Academic freedom statement**

a) The UFC is at the point in the timeline where a decision needs to be made whether to send the statement to the board or to send it out to the schools.

**AF TIMELINE**

**October 2020**-AF was raised as a potential area of weakness at Pepperdine following the controversy stemming from the SPP.

**January 2021**-Discussion of Pepperdine's current situation and possible pathways.

**April 2021**-Presentation of survey of peer practices and other pre-existing statements. Subcommittee charged with putting together a statement and narrative.

**June 2021**-Discussion of pre-circulated AF draft and incorporation of modifications to wording.

**October 2021**-Reintroduction of AF draft to new Council.

**November 2021**-Second discussion of AF draft and vote to send out to School Faculties.

**November 2021-January 2022**-Dissemination to the schools + review and comment period

**February 2022**-UFC discussion of feedback

**March-April**-Sub-committee meets to incorporate feedback

**April 15, 2022** - UFC discusses revised Statement and votes on revised document [We are here.]

**[June 7, 2022**-Preliminary presentation to Board

**June/July 2022** – UFC discusses any feedback from Board]

**Late August/Early September 2022**-Schools Vote, and assuming approval, dissemination to Provost, President

**September 20, 2022** Presentation to the Board for voting

b) Subcommittee report

i) Faculty feedback on the first draft of the academic freedom statement.

(1) There was nuanced feedback from faculty about particular words and phrases. There was feedback that suggested the need for substantive change.

ii) Changes made.

(1) A new element was added under #3 of the statement. This is meant to address the wide array of activities that don't clearly fall under teaching and research. This addition is meant to cover those activities as well as carry over some of the language from the tenure manual.

(2) A separation was added between the final two items of the academic freedom statement. There were some faculty responses that wondered what are we asking them to approve. There is the statement itself, as well as the introduction and the language that follows the academic freedom statement. It was determined by the subcommittee that the most prudent thing to do was to seek approval by the faculties of the academic freedom statement at minimum; the introduction to the statement and religious heritage contextualization will be used to support the basic academic freedom statement, but the only part of the document that will be adopted as policy is the academic freedom statement itself.

(3) The final section of the academic freedom statement is not intended to limit academic freedom but to reinforce the power of the academic freedom

statement by saying that academic freedom is rooted in the heritage of Pepperdine. If and when the regents approve the statement, they will be affirming that academic freedom is supported by our religious heritage.

- (4) Other changes from the original draft were modest.
- iii) Initial concerns.
    - (1) It was raised that the phrase “and not holding primarily administrative positions” might imply that faculty members who also hold administrative positions might not be protected under this document. However, this document does not mean that people who are both faculty and administrators don’t have academic freedom; rather, academic freedom is afforded to them in their roles as faculty just as it would be afforded to all faculty.
- c) Responses from the schools.
    - i) CSOL
      - (1) No additional comments by the School of Law Faculty were made at this point during the meeting.
    - ii) GSEP
      - (1) Obviously, since it was just released, the revised statement has not been vetted by the GSEP faculty.
      - (2) The central academic freedom statement is sound. But it was raised that GSEP faculty will probably have questions about the first section that says Pepperdine “must remain rooted” in the Churches of Christ and why that section would be included in an academic freedom statement. Though that section is clearly meant to connect to the history and to the future of the university, it came off as a surprise and, initially at least, seemed out of place.
      - (3) It will need to be made clear to faculty what they are voting on.
    - iii) Seaver
      - (1) Several Seaver faculty were impressed and want to see it go forward.
      - (2) Some faculty are concerned about what the statement would mean practically in the classroom.
        - (a) An instance was raised where a member of the faculty shared a personal opinion about masks and covid. Would this statement protect that faculty?
          - (i) The response to this concern is that faculty must teach within the context of the catalog and academic freedom does not allow for the persistent intrusion of topics that are not consistent with the outline of the course.
      - (3) One Seaver faculty reported to a UFC committee member feeling that the academic freedom document has come into being in order to protect administrators who have made racist statements. It was said that Seaver has faced a lot of loss of faculty and students because of these incidents.
      - (4) A concern was raised about how academic freedom issues would be adjudicated.
      - (5) A question was raised about the phrase that states that Pepperdine should “guard against creating creedal barriers – religious or secular – to full communion with a common, non-denominational Christian community whose

goal is to welcome persons of all faiths.” Pepperdine also welcomes people of no faith, even as it expects full time, tenure track faculty members to participate in a community of faith. Therefore, it was recommended that this statement be re-evaluated.

iv) PGBS

- (1) The statement about administrative positions can be removed because this is a statement meant to protect faculty.
- (2) The section about course descriptions need not be included because that is a contractual issue, not an issue related to academic freedom.
- (3) Primary question is how are we going to send this out to faculty? What are the procedures moving forward? And what will happen if there are big differences of opinion between schools?

v) SPP

- (1) The new draft is cleaner and more coherent, which is a surprise considering how many recommendations for edits were received.
- (2) The second sentence of the introduction which states that Pepperdine “must remain rooted” to its Churches of Christ heritage is an ontological statement and a reference to the Pepperdine charter.
- (3) Concern was raised about the following portion of the introduction: “Intellectual freedom – the freedom to think for oneself, to seek truth, to engage in discourse, to challenge and be challenged – is an inalienable right of the human person.” It was said that this is not true. One cannot force another person to challenge them. One cannot have a right to be challenged unless they coerce someone to make a challenge.
- (4) This document has more to do with freedom of expression. One is at liberty to say what one wants to say outside of class. One is at liberty to say it in the broader context as a human person. But a teacher can it necessary to say even things with which the teacher doesn’t agree.
  - (a) An example is raised where a teacher may take on the point of view or Marx or Nietzsche, whether or not those views are espoused by the professor, in order to give students an opportunity to defend their personal views. In this regard, professors need freedom pedagogically to teach their students to prepare robust defenses and students need freedom of expression in order to learn through discussions.
  - (b) However, it was raised that the larger project should be to situate these freedoms in our mission and our culture, and in a context where full agreement is not possible. If we are going to have a robust pursuit of knowledge and truth where people have disagreements about complicated subjects in ways that are reasonably productive, it will be because we have developed a culture where this is possible. This document is part of that conversation, but it alone will not create this culture. In order to have the community we want to have, people will need to “come out.” People must come out and have the discussions that give lift to this statement. Maybe in

a few years we will have transcended the document by creating a culture that can engage in disagreement and debate.

- d) Open discussion.
  - i) A response from the provost about the adjudication process and other aspects of the new draft of the statement.
    - (1) There is currently a university grievance committee that investigates issues that come up about academic freedom and freedom of expression. This is not a standing committee. A committee is assembled, a leader is assigned, and then, after its investigation, the committee makes a recommendation to the provost. It is a compassionate process.
      - (a) It was raised that we might want to add that the grievance committee procedure to the statement itself.
        - (i) Several UFC members disagreed, stating that the adjudication process should not be included in the document.
        - (b) It was raised that the university should establish a university ombudsperson to help faculty. Certainly, at Seaver College, this would be helpful, especially in negotiating problems between faculty who do not share the same rank or professional status.
      - (2) This statement strengthens the faculty position. At times faculty need to bring forward information that student may criticize in order to help student learning and this statement provides protection for those instances.
    - ii) There was agreement about the need to create a culture of open debate and also to improve the outside perceptions of Pepperdine that might assume we do not have academic freedom at Pepperdine. We need to improve our "optics." It was suggested that establishing an ombudsperson might help with this.
    - iii) What will the voting process look like? It will be hard to explain the document to faculty without being able to clearly describe the voting process.
      - (1) All schools will vote separately. If any school doesn't pass it, then the UFC work on the document has concluded at that point. It was expressed that the document is "light years" better than the academic freedom statement that is embedded in the tenure manual.
        - (a) It was suggested that if the document is rejected, it will be sent to the provost's office to decide on a pathway forward.
      - (2) It was suggested that if this document doesn't pass, that won't mean that we don't have academic freedom. We already have academic freedom, but this document attempts to explain and affirm that fact.
      - (3) It was raised that it would be a violation of shared governance if we send this document to the board before we send it out to faculty.
        - (a) It was argued that we wouldn't send the document to the board for a veto but merely for feedback.
- e) Suggestions for a pathway forward.
  - i) The document needs further revisions. It was suggested that the subcommittee do further work on the document and then send it out to the committee members with

a ballot that will include multiple items such as whether to send it to the board and about the process of how to distribute it to schools. Certain language changes could also be included on the ballot.

- ii) It was raised that we have discussed that all schools need to affirm the document for it to pass.
  - (1) However, a committee member raised that we never voted on this process.
  - (2) It was suggested that if we used Robert's Rules of Order, we wouldn't have confusion about how to move forward at this stage.
  - (3) It was suggested that the ballot could include a section that addresses the procedure for the wider voting process.

#### 4) Shared Governance

- a) Concerns about lack of shared governance in decision making.
  - i) What does shared governance look like to the administration? Faculty have expressed that we don't appear to have shared governance.
  - ii) There are continuing issues of faculty not feeling consulted on classroom matters.
    - (1) For example, since the mask mandate was dropped, symptomatic students have been attending class, but faculty are not permitted to ask students to wear masks in these cases.
  - iii) Oftentimes, these matters affect Seaver disproportionately. There needs to be a review of why some schools have been permitted to teach as their faculties see fit, but Seaver faculty have not had that flexibility.
    - (1) Seaver faculty are taking on more risk than faculties at other schools who have the flexibility to choose their teaching modality.
      - (a) The morale of Seaver faculty is incredibly low, and part of the low morale seems to be linked to the way the university has handled decisions related to Covid.
- b) Response to concerns.
  - i) The provost stated that on the recent decision to make masks optional at Pepperdine, there was only a 48-hour window. There were actions taken to gather faculty input, though it is understood that a shared Google document might not be the best manner to quickly gather feedback. However, a faculty body in one of the schools was polled and those responses were added to the Google doc, and that was very helpful. But the timing was challenging.
  - ii) A suggestion was made to add faculty to the emergency task committees.
    - (1) The president said that when emergencies arise, a committee of about 20 people come together. There are members with faculty status such as Lee Kats who sit on this committee. Every member has a role to play when executing the emergency response. The president said that he will think about whether adding a faculty member to that committee would be helpful.
  - iii) A suggestion was made that perhaps the UFC needed a subcommittee tasked with addressing emergency situations.
  - iv) It was stated that, overall, the university response to the emergencies has been good. However, with the example of dropping the mask mandate, Pepperdine did

not have to drop the mask mandate just because we were permitted to do so by Los Angeles County. When considering a reduction in restrictions, we have time to make those decisions.

#### 5) Process for Awarding Emeritus Status

- a) The Faculty Emeritus Policy states, "The university will recognize and support its Emeriti in... special recognition at a graduation ceremony." Deans would like to change "graduation" to "public" to allow for flexibility about how that recognition is given. Would this committee support this change?
  - i) A motion of support was made, and a vote took place. The UFC voting members approved this change.

#### 6) UFC Charter

- a) Representation
  - i) When UFC was established it was based on numbers of full time faculty within the schools. Since that time, the enrollment at GSEP has increased significantly, but our representation has not changed. GSEP has the same number of representatives as CSOL and one fewer than PGBS. It was suggested that the addition of one GSEP faculty member to this body be considered by the committee.
    - (1) It was questioned whether representation should be tied to enrollment numbers. To prevent the constant fluctuation of membership, enrollments could be evaluated every three years and representation changed on the three-year mark accordingly.
      - (a) If this change were to be made, it would need to be added to the charter.
    - (2) It was suggested that the committee take this matter up in a codified rather than informal way this fall.
- b) Adding the vice-provost to the non-voting membership.
  - i) Lee Kats has made important contributions to the UFC.
  - ii) Should the vice-provost be added as an ex-officio member?
    - (1) Discussion.
      - (a) More representation is positive.
        - (i) If more representation is desired, it was suggested that the committee might also consider adding the Chief Operating Officer to the list of ex-officio members.
      - (b) Can any administrator attend these meetings?
        - (i) They can, by invitation, but they cannot be required.
    - (2) A vote took place. 6 members voted in favor of adding the vice-provost, 1 opposed, and 2 abstained.
  - iii) The committee will adopt the language and add the new membership to the charter.