

Fredric G. Levin College of Law
Office of the Dean

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April 8, 2020

MEMORANDUM

TO: Voting Faculty

FROM: Laura A. Rosenbury, Dean *LAR*

RE: Revised Faculty Meeting Agenda, Friday, April 10, 2020

I have scheduled a Faculty Meeting for Friday, April 10, 2020, via zoom, beginning at noon. The agenda will be as follows:

1. Approve Faculty Meeting Minutes from March 10, 2020, attached
2. Approve Faculty Meeting Minutes from March 27, 2020, attached
3. Information Item: Effects of COVID-19 Crisis on Student Jobs, Bar Exam, Budget
4. Information Item: Discussion regarding Legal Research Tools
5. Information Item: Discussion regarding Student Support
6. Recommendation for Update to the Faculty Handbook from the Appointments Committee (Danny Sokol and Michael Wolf, co-chairs), attached
7. Recommendation for faculty hiring from the Non-Tenure Track Appointments, Retention, and Promotions Committee (Silvia Menendez, Chair), attached
8. Nomination for University Faculty Senate: The College of Law has one seat (three-year term) to be filled on the University Faculty Senate. A volunteer will be solicited from the floor. A list of those eligible to serve is attached.

Law Faculty Meeting Minutes

March 10, 2020 12:00 p.m.

PRESENT: Mary Jane Angelo, Sarah Bishop, Stephanie Bornstein, Yariv Brauner, Neil Buchanan, Karen Burke, Jonathan Cohen, Jeffrey Davis, Nancy Dowd, Teresa Drake, Seth Endo, Mark Fenster, Alyson Craig Flournoy, William Hamilton, David Hasen, Berta Esperanza Hernandez-Truyol, Joseph Jackson, Maryam Jamshidi, Joan Stearns Johnsen (phone), E. Lea Johnston, Christine Klein, Elizabeth Lear, Sabrina Little, Charlene Luke, Pedro Malavet, Merritt McAlister, Grayson McCouch, Silvia Menendez, Jon Mills, Peter Molk, Jason Nance, Jane O'Connell, William Page, Robert Rhee, Laura Rosenbury, Elizabeth Rowe, Kathryn Russell-Brown, Daniel Sokol, Amy Stein (phone), John Stinneford, Henry Wihnyk, Andrew Winden, Michael Wolf, Sarah Wolking, Danaya Wright, Jennifer Zedalis

NOT PRESENT: Mary Adkins, Thomas Ankersen, Dennis Calfee, Judy Clausen, Charles Collier, Deborah Cupples, Robin Davis, Ben Fernandez, Jeffrey Grater, Andrew Hammond, Jeffrey Harrison, Mindy Herzfeld, Darren Hutchinson, Michelle Jacobs, Shani King, Leslie Knight, Amy Mashburn, Lars Noah, Kenneth Nunn, Leanne Pflaum, Teresa Reid, Betsy Ruff, Stacey Steinberg, Margaret Temple-Smith, Lee-ford Tritt, Steven Willis, Wentong Zheng

Meeting called to order at 12:04 pm

1. Approve Faculty Meeting Minutes for February 21, 2020

Faculty considered minutes from February 21, 2020.

Unanimously approved

2. Update from Associate Dean Jane O'Connell

Associate Dean O'Connell provided an update regarding journal collection. Journals will move offsite to FLARE to more effectively use onsite storage.

Information Item Only

3. Update on Discussions Regarding Coronavirus

Provost Glover has requested that professors experiment with changes in modality for course delivery. Dean Rosenbury has requested that all law professors use synchronous delivery using Canvas and Zoom. All professors are responsible for recording their course to meet obligations for accommodations.

Information Item Only

Starting today, all courses that are taught in-person will be recorded and available to students who are unable to come to campus for health reasons.

Associate Dean Nance will provide training for all interested faculty members on Thursday. More information will be provided via email.

Any professor needing support with Canvas should contact Krista Vaught or Sherrice Smith.

We will not cancel any UF events at this point. The university will make all decisions regarding course cancellations.

Professors should begin to consider take-home options for exams.

Professors needing to be out due to illness should contact Dean Rosenbury or Associate Dean Nance.

4. Recommendation for Faculty Hiring from Appointments Committee (Danny Sokol and Michael Wolf, co-chairs)

Appointments Committee Co-Chairs Sokol and Wolf made recommendations to the faculty for the hiring of Professors Blake Hudson and Barbara Evans.

Discussion ensued regarding the process for recommendation, scholarship, teaching, and visits at UF Law.

Voting took place after the meeting. Tentative meeting for tomorrow is cancelled.

Meeting adjourned at 12:48 pm.

Law Faculty Meeting Minutes

March 27, 2020 12:00 p.m.

PRESENT:

Adkins, Mary Elizabeth	Hasen, David M	Nunn, Kenneth Bruce
Angelo, Mary Jane	Hernandez, Berta Esperanza	O'Connell, Jane A
Ankersen, Thomas T	Herzfeld, Mindy Miryam	Page, William H
Bishop, Sarah Louise	Hutchinson, Darren L	Reid, Teresa Jean
Bornstein, Stephanie Carol	Jackson, Joseph Steven	Rhee, Robert J
Brauner, Yariv	Jacobs, Michelle Veronica	Rosenbury, Laura Ann
Buchanan, Neil H	Jamshidi, Maryam	Rowe, Elizabeth Ann
Burke, Karen C	Johnston, Elta Lea	Russell-Brown, Kathryn
Calfee, Dennis A	King, Shani Mahiri	Sokol, D Daniel
Clausen, Judy Ann	Klein, Christine Ann	Stearns Johnsen, Joan
Cohen, Jonathan Richard	Lear, Elizabeth Tyson	Stein, Amy L
Davis, Robin K	Little, Sabrina Eloisa	Steinberg, Stacey B
Dowd, Nancy E	Luke, Charlene	Temple-Smith, Margaret Emanuel
Drake, Teresa A	Malavet, Pedro A	Tritt, Lee-Ford
Endo, Seth Katsuya	Mashburn, Amy Rebecca	Wihnyk, Henry Thomas
Fenster, Mark Andrew	McAlister, Merritt Ellen	Winden, Andrew William
Fernandez, Ben L	McCouch, Grayson	Wolf, Michael Allan
Grater, Jeff T	Menendez, Silvia M	Wolking, Sarah Horn
Greene, Anastacia Marie	Mills, Jon L	Wright, Danaya C
Hamilton, William Francis	Molk, Peter F	Zedalis, Jennifer Mary
Hammond, Andrew S	Nance, Jason	Zheng, Wentong
Harrison, Jeffrey L	Noah, Lars	

NOT PRESENT:

Collier, Charles Wade	Flournoy, Alyson Craig	Ruff, Betsy Lee
Cupples, Deborah E	Knight, Leslie H	Stinneford, John
Davis, Jeffrey	Pflaum, Leanne Janet	Willis, Steven J

Meeting called to order at 12:01pm

Recommendation for Modifying Spring 2020 Grading Structure from Ad Hoc Committee to Consider Temporary Changes to Grading Structure in Response to COVID-19 (Jason Nance, chair)

Dean Rosenbury thanked the Ad Hoc Committee for their work and turned it over to Jason Nance to discuss committee's recommendation.

Jason Nance discussed the recommendation from the committee, the factors the committee considered, and rationales for the recommendation. He also included the following clarifications:

Vote to accept committee's proposal with friendly amendment to use satisfactory/unsatisfactory throughout and amendment to define unsatisfactory as a grade below D-. Proposal passes with a majority vote.

- 1) Proposal does not apply to classes which were completed before March 20th. (This would include compressed courses and the first-year legal research course.)
- 2) The committee recommends that LL.M. and S.J.D. courses use an optional Pass/Fail system, requiring students to elect this option by April 15th.
- 3) The committee recommends use of a satisfactory/unsatisfactory grading system where each faculty member individually determines what constitutes satisfactory performance in their course.
- 4) The committee recommends against the award of book awards.

Discussion ensued on a number of topics related to the proposal including: consistency, validity, decisions made by other universities and law schools, student engagement and motivation, distinctions between satisfactory/unsatisfactory and pass/fail, impacts on advanced legal writing and other requirements, the lack of requirements on the number of satisfactory or unsatisfactory grades per course, transcript designations, the potential use of S+, when an unsatisfactory grade would require students to repeat required courses, impact on journal student selection process, impact on employment opportunities and competition with students from other law schools, and potential adoption of the handbook definition of satisfactory/unsatisfactory.

A friendly amendment was offered and rejected to permit professors the ability to give a book award if they so choose.

A friendly amendment was offered and accepted to use satisfactory/unsatisfactory in the proposal anywhere pass/fail was referenced.

Motion to end the debate and call the question. Motion seconded and passed.

Deferred motion to amend committee's proposal to include permission for professors to give a book award if they so choose. Motion appropriately seconded, but failed for lack of support.

Motion to amend committee's proposal to include definition of unsatisfactory as D- or worse. Motion appropriately seconded and passes with a majority vote.

Vote on committee's proposal, with friendly amendment to use satisfactory/unsatisfactory throughout and amendment to define unsatisfactory as a grade below D-. Proposal passes with a majority vote.

Dean Rosenbury thanked everyone for their patience and thoughtful discussion.

Meeting adjourned at 1:38 pm.

Draft Language for Rules on Feedback to Appointments Committee

For the reasons explained below, the Appointments Committee (“Committee”) recommends adoption of the following language in the rules regarding Committee and faculty consideration of candidates for tenure and tenure-track positions at the Law School.

Appointments Committee (“Committee”) solicitation, review and disclosure of input from members of the Law School Community (“Members”) regarding candidates for tenured and tenure-track positions at the Law School (“Candidates”).

1. Solicitation of input from Members. The Committee strongly encourages Members to submit comments to the Committee and to do so with attribution. The Committee recognizes, however, that there may be circumstances in which a Member believes it is preferable to make her or his comments anonymously. Accordingly, subject to the exception set forth in paragraph 3., all Members are invited to submit comments to the Committee in connection with the Committee’s deliberations regarding Candidates as set forth in subparagraphs a. and b.
 - a. Comments to be in written/electronic form. All comments shall be submitted in written or electronic form, as follows:
 - i. Attributed comments. Members may submit comments to the Committee with attribution.
 - ii. Anonymous comments. Members may submit comments to the Committee without attribution. Neither the Committee members nor the faculty or administration shall know the identity of any Member who submits a comment without attribution.
 - b. De minimis exception. The rules of subparagraph a. do not extend to brief, informal comments orally conveyed by Members to Committee members. However, Committee members shall advise Members that more-extensive comments should be submitted in accordance with paragraph 1.a.
2. Sharing of comments with faculty. All comments (other than *de minimis* comments) received by the Committee regarding any Candidate whom the Committee brings forward for faculty consideration shall be shared with the faculty, with or without attribution in accordance with the form in which the Committee received them. *De minimis* comments will be shared on an aggregate basis.
3. Comments received from tenure-track Members. Tenure-track Members who have not received tenure (“Untenured Members”) are invited to submit comments to the Committee. The rules of paragraphs 1. and 2. shall not apply to such comments. The Committee shall honor a request made by an Untenured Member regarding confidentiality of her or his comments.
4. Annual notification. The Dean shall annually include the language of paragraphs 1. through 3. in the Dean’s charge to the Committee.

Reasons for change.

The Committee believes that the current procedure for solicitation and review of input from members of the Law School Community (“Members”) regarding potential hires is insufficiently transparent. The Committee also believes the current procedure creates opportunities for

Members to exercise undue influence over the decision making of the Committee and of the faculty. The Committee believes that these problems relate to the fact that Members may submit comments to the Committee that may have outsize influence on the Committee's deliberations. In addition, in cases where the Committee brings a candidate forward for faculty review, comments from Members that the Committee has previously considered may be mentioned or summarized without attribution, with the result that faculty members are inadequately informed of the nature of the comments and also of the weight the Committee may have placed on those comments in its deliberations.

The Committee does not believe that the problems stem from the fact that Members may submit anonymous evaluations to the Committee, but rather from Members' ability to make attributed comments to the Committee that are then considered and passed on to the faculty anonymously and often in summary form.

The Committee recognizes that junior tenure-track faculty members face unique pressures and constraints in evaluating Candidates. Accordingly, an exception is made for comments received in this case.

The Committee proposes that the rule change take effect immediately.

TO: Voting Faculty

FROM: Non Tenure Track Appointments Committee (Silvia Menendez, Henry Wihnyk, Jon Mills, Joan Johnsen, Maggie Temple-Smith, and Gia Arney)

DATE: April 6, 2020

RE: Hiring recommendation for Legal Skills Faculty position

The committee unanimously recommends that the faculty approve the extension of an offer of appointment to a Legal Skills Faculty position to Paige Carlos or Caroleen Dineen.

Both candidates' materials are available on the Hiring Committee's Canvas page. We will discuss the candidates at the faculty meeting on April 10.

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