



## FACULTY SENATE MINUTES

Thursday, May 6, 2021 (Special Meeting)

**In attendance:** Larsen (Speaker); Accounting: Briggs; Art, Design, and Art Hist.: Phaup; Biology: May; Chemistry: Hughey; Comm. Sci. and Disorders: Clinard; Comm. Studies: Woo; Comp. Inf. Sci. & Bus Analytics: Tchommo; Computer Science: Kirkpatrick; Early ELED & Reading: Mathur; Economics: Cavusoglu; Ed. Found. & Exceptionalities: Wiley; Engineering: Harper; English: Lo; Finance & Bus. Law: Parker; Foreign Languages: Lang-Rigal; Geol. & Environ. Science: McGary; Grad. Psych: Critchfield; Hart School of HSRM: Anaza; Health Professions: Skelly; Health Sciences: Ott Walter; History: McCleary; IDLS: Chamberlin; Integrated Sciences: McGraw; Justice Studies: De Fazio; Kinesiology: McKay; Learning Tech. & LE: Beverly; Libraries: Flota (proxy); Management: C.K. Lee; Marketing: Ozcan; Math & Stats: Garren; Media Arts & Design: Mitchell; Mid, Second, & Math: Shoffner; Military Science: Turnboo; Music: Stringham; Nursing: Lam; Phil. & Rel.: Knorpp; Physics: Butner; Political Science: H. Lee; Psychology: Melchiori; Soc. & Anth.: Tanaka; Social Work: Trull; Strategic Leadership Studies: Vanhove; Theatre & Dance: Finkelstein; Writing Rhetoric & Tech Comm: McDonnell; Part-time Faculty Reps: Harlacker, Janow, Munier; Guests—Molina, Bauerle, dozens of other attendees

### I. Call to Order—4:10 p.m.

- This special meeting was successfully petitioned for by more than 20% of the Senate membership (as per the bylaws). The Speaker Pro Tempore, Steve Harper, chaired the meeting and prior to the meeting issued a brief summary of Robert’s Rules of debate to maintain order.

### II. New Business

- The Resolution for Censure of the Speaker of the Faculty Senate was introduced, seconded, and discussed.
- The following points in favor of the resolution were brought forward:
  - The Speaker represents all faculty at JMU. He appears to have used the JMU Board of Visitors meeting of the Academics and Student Life Committee as a captive audience for a speech that exceeded the bounds of his role: to report on the actions of the Faculty Senate and issues of concern to the faculty overall.
- The following points opposing the resolution were raised:
  - The Speaker traditionally submits a formal report prior to the board meeting and delivers an oral report. In the fall of 2020, BOV member and Chair of the Academics and Student Life Committee Lucy Hutchinson requested that the Speaker in the oral report not simply repeat aloud the written report that committee members would have read prior to the meeting. The Speaker, in the effort to distinguish between the written and oral reports, provided a description in the written report of resolutions that passed the Senate and chose to speak about a “recent Senate-related theme”: He offered personal reflections on the Freedom of Expression Resolution that passed with an unusually high number of abstentions. One senator who had spoken against the motion opposed it because it seemed aimed at protecting people who use hate speech. In his speech, he acknowledged that no one thing can explain the vote outcome: Some abstentions could’ve meant senators were unsure about which way to vote on the resolution. He used phrases such as “I believe” and drew upon his personal experience of watching old movies to indicate that the views being expressed were his own. Ultimately, in his aim to fulfill Chair Hutchinson’s request, he expressed a desire to find a way to marry Critical Race Theory with the intellectual openness and dynamism of the liberal tradition.
- In favor of the resolution:

- A senator whose first meeting was the January meeting where the Freedom of Expression Resolution was introduced sent an email to the Speaker after the meeting to emphasize that the discussion was extremely rushed and that many abstained because of the lack of clarity in the wording. In response, the senator was told that she should've moved to table the resolution.
- What the speaker focused on in the oral presentation to the BOV subcommittee didn't reflect what the Faculty Senate had been working on. The speaker's aim should've been to accurately and fairly represent what the senate is working on, especially because the website is not up to date.
- Opposed to the resolution:
  - What the speaker wrote is interesting, and the views he expressed do represent a lot of faculty. He made it clear that it was just his view, and the ideas are couched in so many qualifiers (e.g., "I believe," "I feel") that it's hard to object to that unless we think that the speaker is never justified in sharing any reflections of his own at all. Perhaps a better case would have been the pronoun resolution from a few years back—a real test case. Can those who support the resolution show not just that the speaker was wrong but that what he said was unreasonable and so irresponsible that he deserves censure for it?
- In favor of the resolution:
  - Whether the argument was reasonable or accurate, it was perceived as a misleading tactic or an abuse of trust. The fact that the speaker was given permission was not communicated publicly ahead of time. The Speaker is supposed to be representing a collective view of the faculty senate. Insufficient wording to suggest this is entirely the opinion of the speaker, and it's important to avoid confusion.
- Opposed to the resolution:
  - There's nothing that the speaker could say that would have 100% agreement among all senators. It's not possible to be a spokesperson for everyone on the senate. He understood his rhetorical task to be to reflect on what he thought was interesting.
- In favor:
  - What was done was appropriate perhaps for an unofficial or informal setting. Whenever the Speaker speaks officially to others, they are representing the Faculty Senate. Such an opportunity should not be used as a way to assert a personal interpretation of a vote count on a resolution. This instance causes concern about future actions in other settings.
- Opposed:
  - As senators representing our departments, there are going to be people who disagree with what we do on a particular piece of legislation. We voted for Speaker Larsen to represent us. This is a contentious, complex issue.
- A motion to suspend the rules passed with the required 2/3 approval to allow a vote on the resolution on the day that it was introduced.
- In favor of the resolution for censure:
  - Webex is an awkward forum for conducting Senate votes.
  - Context is important (both the context for the Freedom of Expression Resolution and the lack of context for the attachment that contained the Oral Report to the BOV). The issues that gave rise to the Freedom of Expression Resolution were misrepresented.
  - A faculty member passed away. There's a pandemic. These concerns would've been something to talk about, and it's troubling that the things that happened this year weren't discussed.
- Opposed to the censure resolution:
  - It's clear that he was not pretending to represent the faculty, and it's clear that he was presenting his own personal opinion.

- Favor:
  - At this meeting, there are several past speakers present. One former speaker clarified that he was never invited to present his own personal opinion on anything; however, the current chair of the Academics and Student Life committee did not then hold that post. He always interpreted the task as speaking on behalf of the senate and the faculty at large.
- Opposed:
  - In response to a question about whether he could have said no to the chair's request, the Speaker maintained that it seemed like a reasonable request: don't read what the written report already but instead add some value to the meeting, a request that was subject to interpretation. In the fall, the Speaker defended the faculty member who said something intemperate and issued a statement reinforcing the importance of free speech. The steering committee approved that statement. The BOV oral presentation was, in the end, a call to find a way to harmonize the liberal tradition with CRT. Others have different views. There's room for lots of different opinions.
- In favor of the motion:
  - The Speaker has a platform to deliver a public statement precisely because he is the speaker. As a senator, the role requires that we make interpretations, take personal liberties, and act as an imperfect conduit. Still, this senator's department would be unlikely to be shocked by his votes. Such a statement by the speaker to the BOV made by virtue of a platform that exists because he is the Speaker seems improper.
  - At the BOV the speaker represents the voice and will of the senate and by extension the will of the faculty. The context establishes him as representing the Senate. Speakers should not take advantage of these positions to deliver personal musings, especially in a space that does not invite dissent such as the BOV meetings. The views in the oral report are his alone rather than representative of the Senate or the faculty. Furthermore, the report does not accurately represent the discussion that took place around that the Freedom of Expression Resolution. It behooves any person representing the Senate to confine themselves to speaking on behalf of the Senate as a whole.
  - While it's appropriate to defer to the Speaker to have leeway in regard to the oral presentation, in this case, the Speaker omitted certain aspects of context and cast aspersions on the motives or character of senators. The speech lacked context about the abstentions, which were largely about the pace and the lack of opportunity for consulting with department colleagues. The first reading occurred after the last department meeting of the fall semester and before the first department meetings of the spring semester. Senators did not have the opportunity to consult with their departments. It's also important to note that the wider context revolving around free speech (e.g., the state of Idaho has passed a law banning the teaching of CRT and other states are currently considering similar laws). The incident on Twitter that sparked this resolution arose because the former speaker of the Virginia House of Delegates, who is now running for governor, used his social media presence to call out a JMU faculty member. Moreover, the repeated references to Marxism and the accusation that critical theorists believe it's legitimate to suppress expressions of ideology denigrate the motives of those who abstained from voting for the Freedom of Expression Resolution.
- Opposed to the censure resolution:
  - The connection between CRT and Marxism is uncontroversial. The seventh "whereas" clause that calls the speech "a serious abuse of power" can't be sustained. The Speaker goes out of his way to make it clear that these are just his beliefs. It's important to realize that there are a lot of remedies short of censure.
- In favor:

- Our bylaws do not offer alternatives to censure. The definition of *censure* is the expression of formal disapproval. This resolution is not asking for the Speaker to be punished, nor is it asking for him to be removed. It's simply expressing our disapproval formally so that we can vote on it.
- There are two motions before the Senate. The second motion addresses the question of what can be done aside from censure. Instead of allowing the precedent that a speaker is free deliver his personal views before the BOV in a formal setting, the motion to censure aims to sets a precedent so that future speakers better understand their role.
- It's one thing to offer an evenhanded overview of a conflict whose existence is uncontroversial, but that's not the impression from this report. Instead, it reads as an attack on Critical Race Theory as an assault on democratic values (e.g., colorblindness is preferable to race consciousness). The report presents those questions as if they are the outcome of basic tenets; however, the latter two questions are the explicit focus of CRT. CRT refutes the possibility of colorblindness as a just philosophy. The senator's interpretation is faulty and omits a recognition of the core import of the oral report, which is about the threat that CRT poses.
- Opposed to the motion to censure:
  - If the goal is to prevent something like this from happening again, then we should be talking about the second resolution. We have already expressed the disagreement to the Speaker. Some of the statements in the censure resolution would make it hard to support, specifically the eighth paragraph.
  - This resolution is not just asking the speaker not to do it again; it seeks a retraction.
  - Let's get to the second resolution. There are problems with the first resolution, and it's not necessary at this point.
- An amendment was suggested to strike the third "whereas" clause: It does not set a good precedent to codify language about collaboration with the provost. While we're in favor of collaboration, the third "whereas" clause opens up various interpretations. The amendment passed.
- Another amendment proposed striking "serious abuse of power" and changing "only" to "primarily" in the seventh paragraph of the resolution to censure. After a motion to call the question passed with the 2/3 required vote, the amendment was adopted.

Following the passage of a motion to "call the question" to stop debate on the motion as amended, the Senate voted to pass the amended Resolution for Censure (36 yes, 7 no, 1 abstention).

The Motion to Change the Bylaws will be taken up in the fall session by the 2021–22 Faculty Senate.

### **III. Meeting adjourned at 5:44 p.m.**