Board of Trustees

Academic and Student Affairs Committee Meeting Thursday, September 3, 2020 8:30 a.m. Conference Call

Ann Marie Cavazos, Kristin Harper, David Lawrence, and Xavier McClinton

AGENDA

I. Call to Order Trustee Washington

II. Roll Call Ms. Valeria Singleton

III. Minutes for August 6, 2020 Meeting Trustee Washington

ACTION ITEMS

IV. Tenure Upon Appointment

• Deidrè Keller

INFORMATION ITEMS

V. Student Affairs Update

• Student Affairs Update Dr. William Hudson, Jr.

Dr. Edington

VI. Academic Affairs Update

• Fall Semester (Instruction)

VII. Adjournment

Board of Trustees ACTION ITEM

Academic and Student Affairs Committee Thursday, September 3, 2020 Agenda Item: III

Subject: Minutes for August 6, 2020 Meeting

Proposed Board Action: In accordance with the Florida Statutes, a governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.

Attachments: Yes

1. Minutes for August 6, 2020

Board of Trustees

Academic and Student Affairs Committee Minutes Trustee Nicole Washington, Chair August 6, 2020

The meeting was called to order by Trustee Nicole Washington. Ms. Valeria Singleton called the roll and the following committee members were present: Ann Marie Cavazos, Kristin Harper, David Lawrence, and Nicole Washington. A quorum was established.

Trustee Cavazos moved to approve the minutes for the meeting on June 4, 2020. The motion was seconded by Trustee Harper and the motion carried.

The Committee recommended approval of the following item:

Amendment to BOT Regulation 2.015 (Admissions) - The Board of Governors approved the amendments to Regulation 6.002 on March 25, 2020. As a result, the university must also amend Regulation 2.015 - Admissions to reflect the recent amendments. The amendments that are being presented to Board of Trustees are consistent with the Board of Governors Regulation 6.002 and has been reviewed by the Office of General Counsel.

Trustee Cavazos moved to approve the amendment to BOT Regulation 2.015. The motion was seconded by Trustee Harper and the motion carried.

Student Affairs Updates – informational updates were provided:

- O Dr. William Hudson provided an update on current admissions and enrollment. To keep the board apprised of enrollment, an updated chart will be emailed to the Board members weekly. In an effort to keep parents and students informed, numerous virtual town halls have been conducted. The university is still conducting virtual New Student Orientation and academic advising sessions to assist students with enrollment.
- Or. Hudson also provided an update on the student survey. A survey was provided to all undergraduate students gauging their enrollment plans and reasons why they would not enroll. There was a total response rate of 52%. Based on the results of survey, 10% of the students made their decision not to return to the university because of issues outside of the university's control. A breakdown of the survey population and results will be provided during the next update.
- Dr. Denise Wallace stated that the university is in the process of finalizing the revisions to the Title IX policy. The changes will give the university the option of using a different standard of evidence to evaluate allegations.

Board of Trustees

Academic Affairs Updates – The following informational updates were provided:

- Provost Edington provided an update on the committee oversight for the following academic
 programs: Nursing, Law, Pharmacy, and Physical Therapy. The meetings will be conducted
 monthly and focused on one to two programs per meeting to include key activities and key
 performance indicators (KPIs). Dr. Edington will work with the Chair and Trustee Perry to assure
 alignment between the Special Committee on Law.
 - o Ms. Beverly Barrington provided a preview of the dashboard site for the College of Law. Trustee Washington stated that the other dashboards will be similar.
 - Trustee Harper asked if an abbreviated dashboard could be provided to reflect the leading indicators for each of the programs. Dr. Edington stated that the monthly meetings will allow the committee to delve more into the data relating to the KPIs.

There being no further discussion, the meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Nicole Washington, Committee Chair

Board of Trustees ACTION ITEM

Academic and Student Affairs Committee Thursday, September 3, 2020 Agenda Item: IV

Subject: Tenure Upon Appointment – Deidrè Keller

Proposed Board Action: In accordance with Article 15.8, Collective Bargaining Agreement (2014 - 2017), "Tenure may be granted to a faculty member by the Board at the time of initial appointment, upon recommendation of the appropriate administrator. The administrator shall consider the recommendation of the department or equivalent unit prior to making his/her final tenure recommendation."

Tenure upon appointment is a condition of employment that is offered to a faculty member who has previously held a tenured position. Requests for tenure upon appointment are approved by the provost and president. The documentation has been reviewed by the university-wide tenure and promotion committee and the school/college tenure and promotion committee.

Attachment: Yes

1. Curriculum Vita for Ms. Deidrè Keller

EDUCATION

Emory University School of Law Juris Doctor, with honors

May 2006

Yale University
Bachelor of Arts, English and Sociology

May 1999

RELEVANT EXPERIENCES

- Co-chairing the University Diversity, Equity, and Inclusion Committee (Fall 2019-Present)
- Service on the University Budget & Appropriations Committee (Fall 2017-Present), current Vice-Chair
- Served on the ABA Self-Study Committee that drafted the last Self-Study (2014-2015)
- Recipient of the Excellence in Classroom Teaching Award (2014-2015)
- Served on the Personnel Committee that successfully recruited a new Clinic Director, Director of Legal Research and Writing, Tax Professor, and Director of the LL.M. Program in Democratic Governance and Rule of Law (2014-2015)

PUBLICATIONS

Law Review Articles

Limiting Lessons from Property: Re-imagining the Public Domain in the Image of the Public Trust Doctrine, 107 Ky. L.J. ____ (forthcoming 2019) (invited)

Critical Race IP, 36 CARDOZO ARTS & ENT. L.J.735 (2018) (with Anjali Vats)

Copyright to the Rescue?: Should Copyright Protect Privacy?, 20 UCLA J.L. & TECH (2016), reprinted in Intellectual Property Law Review (West 2017)

Centering Education in the Next Great Copyright Act: A Response to Professor Jaszi, 54 DUQUESNE L. REV. 173 (2016) (with Anjali Vats) (invited)

"What He Said...": The Transformative Potential of the Use of Copyrighted Content in Political Campaigns, or, How a Win for Mitt Romney Might Have Been a Victory for Free Speech, 16 VAND. J. ENT. & TECH. L. 497 (2014)

Recognizing the Derivative Works Right as a Moral Right: A Case Comparison and Proposal, 63 CASE WES. RES. L. REV. 511 (2013)

PUBLICATIONS (continued)

Book Chapters

"Bridging Race + I.P.: The Challenges and Potential of Utilizing Transdisciplinary Methods to Undo the Unbearable Whiteness of Intellectual Property." Eds. Irene Calboli & Maria Lillà Montagnani, <u>Approaches and Methodologies in Intellectual Property Research</u> (forthcoming Oxford University Press)

Scientific Evidence Review: Admissibility and Use of Expert Evidence in the Courtroom, Monograph No. 8. Ed. Cynthia H. Cwik et al. American Bar Association (August 2008), contributor.

Chapter three, "Trade Dress." Model Jury Instructions: Copyright, Trademark and Trade Dress Litigation. Ed. American Bar Association (May 2008) 221-259, contributor.

Other

Treatment of Migrant of Children Goes Beyond Rule of Law, Columbus Dispatch, July 26, 2019 (w. Karen Hall)

The Supreme Court's Decision in Kirtsaeng v. John Wiley & Sons, Inc.: A copy made abroad may be "lawfully made under" the Copyright Act, Ohio State Bar Assn. Intellectual Property Law Section Newsl. (Spring 2013)

The Supreme Court's Decision in *Golan v. Holder*: A Repudiation of the Inviolable Nature of the Public Domain, Ohio State Bar Assn. Intellectual Property Law Section Newsl. (Spring 2012).

Reviewing the Past Year's Top Ten Trademark Trends and an Analysis of their Impact on 2008, Intellectual Property and Technology Law Journal (February, 2008), co-author.

In Focus: Intellectual Property: 2007 Stands for Crucial Year for Trademark Law, The National Law Journal (January 2008), co-author.

Works-in-Progress

Law Review Articles: CRT-icizing Copyright (w. Anjali Vats); Free Speech Was Never "FUCT": The Impact of Brunetti on Trademark Registration and Possibilities for a Statutory Provision That is Constitutional (w. Tiffany Rosenhagen)

Book Chapters: Will I be the Next Hashtag: Black Death Spectacle or Catalyst for Change; The Below, The Sunken Place, The Upside Down: Representations of Vulnerability in 21st Century America and the Potential for Imagining Liberated Futures

Book: A Critical Race IP Reader (w. Lateef Mtima and Rich Schur)

ACADEMIC EXPERIENCE

Assistant Professor of Law

Ohio Northern University, Claude W. Pettit College of Law, Ada, OhioJune 2010 – PresentAssociate Dean for Academic AffairsAugust 2018 – PresentProfessor of Law (with tenure)August 2016 – PresentAssociate Professor of LawAugust 2013 – August 2016

Teaching:

- Estates, Wills and Trusts (Spring 2017, Fall 2017, Spring 2020)
- The Legal History of Montgomery, Alabama (January Term 2020)
- Property I (Fall 2010, Fall 2011, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2016, Fall 2017, Fall 2018)
- Property II (Spring 2011, Spring 2012, Spring 2013, Spring 2014, Spring 2015, Spring 2016, Spring 2017, Spring 2018, Spring 2019)
- Law and Literature Seminar (Fall 2010, Fall 2011, Fall 2012, Fall 2013, Summer 2014, Spring 2015, Summer 2017, Summer 2018)
- Intellectual Property Seminar (Spring 2016, Spring 2018)
- Estates, Wills and Trusts (Spring 2017, Fall 2017)
- Intellectual Property Survey (Spring 2013, Spring 2014, Fall 2014, Fall 2015)
- Legal Problem Solving & Analysis (January Term 2012)
- Internet Law (Spring 2011) developed to supplement existing intellectual property offerings

Student Project Supervision:

- Amy Jeffries, How Golan v. Holder Has Quitclaimed the Public Domain (Spring 2012)
- Steindor Dan Jensen, *The Icelandic Government's Attempts to Legislate the .is Domain* (Spring 2013)
- Justin Traino, Vindicating First Amendment Association Rights Through The Lanham Act (Spring 2013)
- Carl Hayslett, Property Rights in Space: New Law for a New Frontier (Fall 2014)
- Christopher Mosley, Mourning the Loss of Copyright's Unsung Hero: Destruction of the First Sale Doctrine, 14 Chi.-Kent J. Intell. Prop. 235 (2015)
- Holly Lynch, What Do an Orangutan and a Corporation Have In Common?: Whether the Copyright Protection Afforded to Corporations Should Extend to Works Created by Animals, 42 Ohio N. L. Rev. 267 (2015)
- Joshua Lanphear, How Personal is Personal?: Why Courts Need to Establish a New Conceptualization of "For Public Use" in Takings of Personal Property (Fall 2015)
- Emily Martin, The Burden of Saving a Life (Spring 2016)
- Jennifer English, How Do We Fix the Problem of Racism? (Summer 2016)
- Mentor, Legal Pedagogy (Spring 2017, Spring 2018, Spring 2019)
- Tiffany Rosenhagen, Free Speech isn't Fuct: The Influence of *In Re Brunetti* on Registering Vulgar Trademarks and The First Amendment (Summer 2019)

August 2010 – August 2013

ACADEMIC EXPERIENCE (continued)

Law College Service:

- Chair, Examination Accommodations Committee (Fall 2018-present)
- Admissions & Readmissions Committee (2016-present), currently Chair
- Outcomes and Assessment Committee (2016-2019)
- Tenure Committee (2016-present)
- Fowler Harper Committee (Spring 2018)
- Personnel Committee (2011-2012; 2014-2015; 2015-2016)
- Welcome Committee (2014-2015; 2015-2016)
- Strategic Planning Committee (Spring 2014-Spring 2015)
- Legal Research and Writing Committee (2014-2016), Chair (2015-2016)
- Communications and Marketing Liaison (2013-2014)
- Web Advisor (2013-2014)
- ABA Inspection / Self-Study Committee (2012-2013)
- Placement Committee (2012-2013; 2016-2018)
- Coordinated speaker (Joseph Singer, Harvard) for Kormendy Lecture Series (April 2015)
- Coordinated Faculty Development Luncheon Guest (Bryan Frye) University of Kentucky (February 2015)
- Coordinated speakers (Madhavi Sunder, UC Davis and Jon Garon, Northern Kentucky) for Fred L. Carhart Memorial Program in Legal Ethics (October 2013)
- Faculty Advisor for LAMBDA Law Students Association (2011-Present)
- Faculty Coach for Giles Sutherland Rich Memorial Moot Court Competition (2015-2016)
- Summer Abroad Coordinator, Summer in Iceland (2015-2017)
- Advised first Moot Court team to compete at the Giles Sutherland Rich Memorial Moot Court Competition (Spring 2013)
- PreLaw Undergraduate Scholars Intellectual Property Survey (Summer 2011, 2012, 2013)
 - Sponsored by grant from the Law School Admissions Council and DiscoverLaw.org (Summer 2011, 2012)

University Service:

- Co-Chair, Diversity, Equity, and Inclusion Committee (Fall 2019-present)
- Budget and Appropriations Committee (2017-present), Secretary (2017-2018), currently Vice-Chair
- MLK Committee (2014-2018)
- Dean Search Committee (2017-2018)
- University Faculty Parliamentarian (2015-2017)
- Provost Search Committee (Fall 2015-Fall 2016)

Other Professional Service:

- Planning Committee, The First, and Second Annual Mosaic Conference: Diverse Voices in IP Scholarship (Marquette, November 2014 and March 2016)
- Organizing Committee, Race + IP (Boston College, April 2017), http://raceipconference.org/

LEGAL EXPERIENCE

Seyfarth Shaw LLP, Atlanta, Georgia

May 2008 – May 2010

Associate

- Research on topics such as protectability of trademarks, scope of rights, jurisdiction as conferred by internet presence, theories of recovery, and copyright infringement.
- Counsel clients regarding strategy for protecting and enforcing copyrights and trademark rights.
- Review trademark search reports and draft legal opinions regarding availability.
- Prosecution of trademark applications including preparation of Office Action Responses to Refusal on a wide range of issues including likelihood of confusion, mere descriptiveness and unacceptable specimens.
- Take depositions and manage discovery in state court suit.
- Perform intellectual property due diligence in connection with corporate transactions.

Sutherland Asbill & Brennan LLP, Atlanta, Georgia

May 2005 – May 2008

Associate

August 2006 - May 2008

- Research regarding copyright liability including willfulness, statutory damages, and misuse.
- Draft pleadings and discovery in matters before various courts and administrative bodies.
- Legal research on parent / subsidiary liability and claim construction.
- Manage document production in various litigation matters.
- Counsel clients regarding trademark strategy.
- Review trademark search reports and draft legal opinions regarding availability.
- Prosecution of trademark applications including preparation of Office Action Responses to Refusal on issues including whether a tagline serves as a mark, whether a product design mark is functional, merely ornamental or has acquired distinctiveness, and whether product packaging design functions as a mark.
- Draft client advisories on developments including the circuit split on whether metatag use constitutes "use in commerce" and the TTAB's treatment of marks registered under the Pan-American Convention.

REPRESENTATIVE MATTERS

- Represented a copyright owner in a conversion suit filed in the State Court of Fulton County to obtain her copyrighted materials.
- Managed an international portfolio of registered trademarks and pending applications for a publically- traded scientific research company.
- Obtained a favorable result for a national grocery chain in a matter before the Georgia Department of Agriculture concerning the VIDALIA ONION® trademark.
- Performed various research projects and managed the document production process on the team representing a publically-traded generics company in a patent infringement matter in the District of New Jersey.
- Represented privately-held company in trademark infringement suit against a UK enterprise.

PRESENTATIONS / APPEARANCES

Scholarly Presentations

Inclusive Intellectual Property Pedagogies, AALS, January 2020

The Below, The Sunken Place, The Upside Down: Representations of Vulnerability in 21st Century America and the Potential for Imagining Liberated Futures, Oregon State University, November 2019

Free Speech Was Never "FUCT": The Impact of *Brunetti* on Trademark Registration and Possibilities for a Statutory Provision That is Constitutional, University of New Hampshire, October 2019, invited

Critical Race IP: A Primer, Howard University, October 2019, invited

Limiting Lessons from Property: Reimagining the Public Domain in the Image of the Public Trust Doctrine, University of Kentucky Symposium, October 2018, invited

Will I Be the Next Hashtag: Can the Right of Publicity and / or Privacy Protect Victims of Extralegal Killings from Internet Infamy?, University of New Hampshire, March 2018, https://youtu.be/ps24DPk9gs8, invited

Will I Be the Next Hashtag: Can the Right of Publicity and / or Privacy Protect Victims of Extralegal Killings from Internet Infamy?, Law & Society Annual Meeting, June 2017

"CRT-icizing Copyright," Michigan State University School of Law, October 2016

"Copyright to the Rescue: Should Copyright Protect Privacy?," Ohio Northern University Law Review Symposium, October 2015, invited

"Whiteness as Intellectual Property," Ninth Annual Lutie Lytle Black Women Law Faculty Writing Workshop, July 2015

"Demanding Recognition of Educational Exceptionalism in the Next Great Copyright Act: A Response to Professor Jaszi," Duquesne, April 2015, invited

The Copyright Act in the Service of Privacy," St. John's University School of Law, April 2015, invited

"Whiteness as Intellectual Property: Authorship and Transformativeness as Possession," Seventh Annual UCLA CRS Symposium, October 2014

"Alienation, Over Investment, and Fetish: Narratives of Ownership in Selected Works of Toni Morrison," Eighth Annual Lutie Lytle Black Women Law Faculty Writing Workshop, June 2014

"Property and Persons: Some Preliminary Thoughts on Inherent Inalienability," Association for Law, Property, and Society Annual Meeting, May 2014

PRESENTATIONS / APPEARANCES (continued)

Scholarly Presentations (continued)

"Image Lessons: Navigating Fair Use as Education Migrates Online," IP Scholars Roundtable March 2014.

"The Ill-Conceived 'Right' to Abandon," Ohio Legal Scholarship Workshop, February 2014

"Persons and Property: Containing the Property Concept," Central States Law Schools Association Conference, October 2013

"Why Intellectual Property Needs Property: In Defense of the Qualified Right to Exclude and Other Long-Standing Property Principles," IP Scholars Roundtable, April 2013

"What He Said...': The Transformative Potential of the Use of Copyrighted Content in Political Campaigns," Faculty Development Session, University of Kentucky College of Law, March 2013

"Copyright and Campaigns: What Mitt Romney Can Teach Us About Fair Use and the First Amendment," Regional Faculty Workshop, February 2013

"Copyright and Campaigns: What Mitt Romney Can Teach Us About Fair Use and the First Amendment," Central States Law Schools Association Conference, October 2012

"Recognizing the Derivative Works Right as a Moral Right: A Case Comparison and Proposal," Ohio Legal Scholarship Workshop, May 2012

Bar Presentations

"Recent Copyright Developments," Dayton IP Section Continuing Legal Education, June 2015

"Media Law 101," Ohio State Bar Association Media Law Conference, October 2013

"Libel and Privacy in the Internet Age," Ohio State Bar Association Media Law Conference, October 2013

"Challenging Journalistic Boundaries: Access to Information in the Internet Age," Ohio State Bar Association Media Law Conference, October 2012

"Copyright for Journalists," Ohio State Bar Association Media Law Conference, October 2011

PRESENTATIONS / APPEARANCES (continued)

Media Appearances

Interview for Lima FOX 25 regarding DOJ v. Apple privacy case, aired March 2016

Guest, This Week in Law on TWiT.tv, July 2014

Interview for Lima FOX 25 regarding pending cyberstalking legislation, aired December 2013

Interview for Lima FOX 25 regarding requests for social media credentials in the context of hiring, aired May 2012

Interview for Lima FOX 25 regarding the Stop Online Piracy Act (SOPA) and the Protect IP Act (PIPA) pending before Congress, aired January 2012

Other

Invited Discussant, Philosophical Approaches to IP Colloquium, May 2019

Moderator, "Doing 'Justice' to IP", Second Biennial Race + IP Conference, NYU, April 2019

Guest, Ipse Dixit, November 2018, https://shows.pippa.io/ipse-dixit/deidre-keller-on-privacy-blacklivesmatter

Moderator, Intellectual Property and Entrepreneurship, SEALS, August 2018

Invited Discussant, Philosophical Approaches to IP Colloquium, May 2018

"Legal Pedagogy for the (Foreseeable) Future," ONU, November 2017

Panelist, Roundtable Discussion on Recent Books in the Race + IP Space, Boston College, April 2017

Invited presenter, Faculty Copyright Workshop, Heterick Memorial Library, ONU, October 2016

Invited participant, 3rd Annual David & Ann Brennan IP Scholars Forum, University of Akron, September 2016

Panelist, Academic Freedom, ONU Federalist Society, March 2016

Commentator, Works-In-Progress, The Second Annual Mosaic Conference: Diverse Voices in IP, March 2016

Moderator, "Teaching IP From a Progressive Perspective," The First Annual Mosaic Conference: Diverse Voices in IP, November 2014

Panelist, "What do Lawyers do?," Midwest BLSA Academic Retreat, September 2014

PRESENTATIONS / APPEARANCES (continued) Other (continued)

Moderator, "Getting to Tenure / Mapping a Scholarly Agenda," Eighth Annual Lutie Lytle Black Women Law Faculty Writing Workshop, June 2014

Quoted, Tamlin H. Bason, "Petrella Again Exposes Ginsburg-Breyer Rift on Copyright; Will Aereo Do the Same?," BNA's Patent, Trademark, and Copyright Journal, May 30, 2014

Panelist, "Perceptions: Considering Implicit Biases in Everyday Life and the Media," ONU Cultural Conversation Hour, April 2014

Invited presenter, Shelley Cavalieri, "Grounding Land Reform," Regional Faculty Workshop, Valparaiso University Law School, March 2014

Invited presenter, "Copyright Infringement by Scholars," Art Law Society, University of Kentucky College of Law, March 2013

Upcoming Presentations

The Below, The Sunken Place, The Upside Down: Representations of Vulnerability in 21st Century America and the Potential for Imagining Liberated Futures, Georgia State, February 2020

CRT-icizing Copyright, Boston University, March 2020, invited

Theorizing Intellectual Property and Personhood, NYU, July 2020, invited

Board of Trustees INFORMATION ITEM

Academic and Student Affairs Committee Thursday, September 3, 2020 Agenda Item: V

Subject: Student Affairs Update

Background Information and Summary: An update on the following item(s) will be provided:

• Re-opening Update (Admissions and Enrollment)

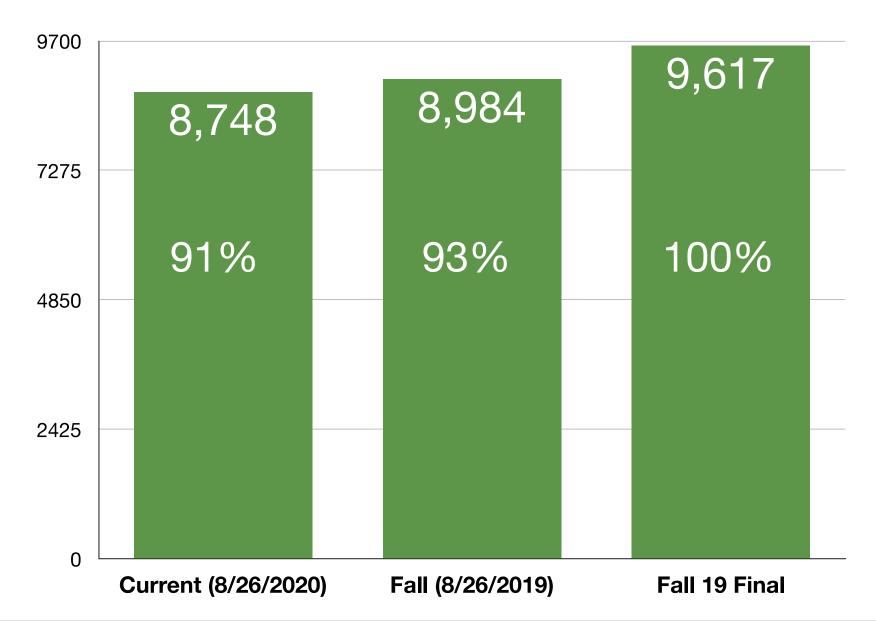


Student Affairs Update
William Hudson, Jr., PhD
Vice President for Student Affairs
September 3, 2020

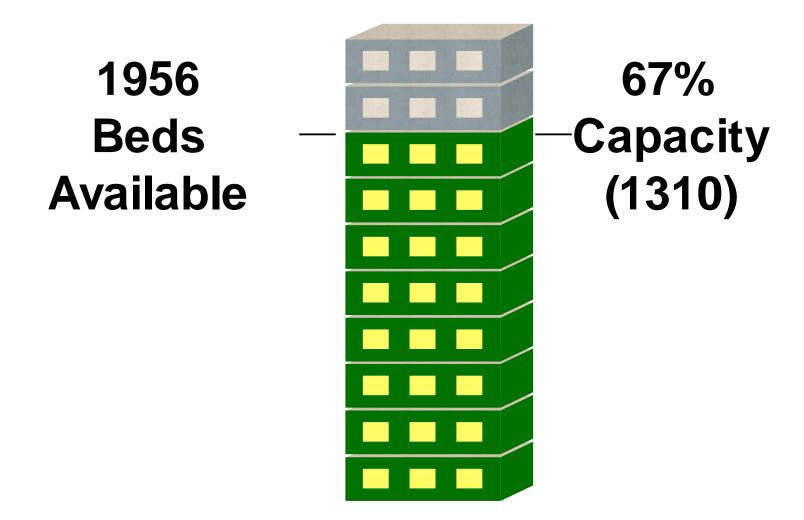


FLORIDA
AGRICULTURAL AND
MECHANICAL
UNIVERSITY

Fall Enrollment

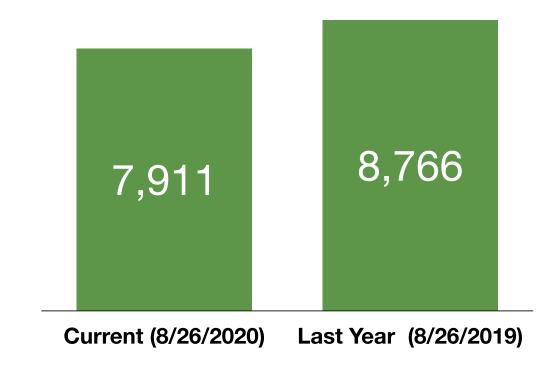


Housing Capacity



(8/26/2020)

Award Status Comparison



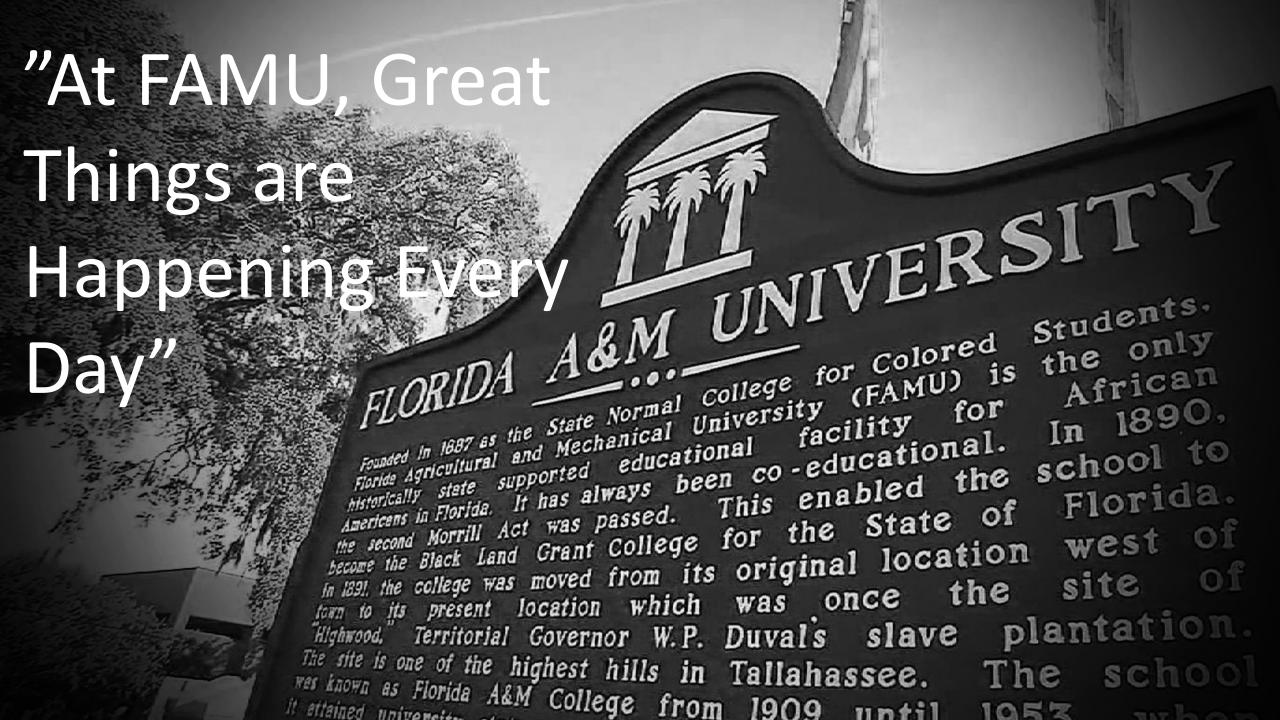
Average Award with Loans	\$6,329
Average Award without Loans	\$3,174

Hazing Prevention Initiatives

The University will facilitate hazing prevention educational seminars virtually on the following dates:

- August 23rd @ 7pm Marching 100 Freshman Orientation
- September 1 @ 5pm Rattler Roundup
- September 17 @6pm FAMUPD Campus Safety Month Presentation
- September 20th 26th National Hazing Prevention Week

Additionally, the Alivetek online hazing course will be available and required to various student entities.



Board of Trustees INFORMATION ITEM

Academic and Student Affairs Committee Thursday, September 3, 2020 Agenda Item: VI

Subject: Academic Affairs Update

Background Information and Summary: An update on the following item(s) will be provided:

• Fall Semester (Instruction)