SAN JOSE STATE UNIVERSITY   **Engineering 285-287**

Academic Senate
December 7, 1998, 2:00 p.m.

MINUTES

I.   The meeting was called to order at 2:10 p.m. and a voice roll call was taken. All were present except Constantine, Edgar, A. Singh, Wall, and Zamora.

II. The minutes of November 30, 1998 were approved.

III. **Communications and Questions**

A. From the Chair of the Senate

Chair Stacks informed the senate that AS 1056 included in the packet was in fact an information item offered for circulation from Senator Roth. It should not have been recorded as a motion from the floor and has been deleted from the log. The chair apologized to Senator Roth.

At 2:15 p.m. the time certain for the second reading of AS 1053 -- University Library Policy was invoked.

VII. **Special Committee Reports (Time Certain: 2:15)**

The floor was turned over to Senator Peter of the Senate Special Committee on the Joint Library Project. He began by describing the changes that the committee made from the first reading of AS 1053 and provided the senators with the rationales for each change based on questions and comments from the university community.

Senator Peter offered a friendly amendment to change "credentials" to "qualifications" in section 5.3.2 to be consistent with previous sections.

The floor was then open for questions. Senator Norton asked if the city would favorably accept a limit of access to the residents of San Jose. Adam Elsesser, the Lawyer, stated that all options were considered during the negotiations leading up to the Operating Agreement. Senator Bain stated that the operating agreement outlines who will have access. Senator Sree Harsha, concerned because the Senate Special Committee on the Joint Library Project is well informed, asked what happens to the committee? Senator Peter explained that the charge of the committee ends with presentation of AS 1053 and Senator Bain mentioned that the chair of the Library Committee, who is on the Senate Special Committee, will provide the ongoing link.

Senator Hegstrom asked about the referral to Organization and Government regarding the Library Committee, and Senator Roth asked a question about tracking missing books.

Senator Peter then called on Associated Student President, Senator Cook, to present a portion of the committee's rationale for a joint library. Senator Cook outlined three benefits to students in the proposed joint library: 1) extended hours and additional study rooms; 2) Greater Collection Access for Students; and 3) the magnitude of this project in terms of recognition for SJSU. Senator Cook then described the proposed joint library as a chance to open the door to opportunity for SJSU.

Senator Peter then called on Senator Veregge for the rest of the special committee's rationale of

AS 1053. Senator Veregge described the history of the committee beginning with Sense of the Senate Resolution SS-S98-1. And then described the process the committee followed to evaluate how the operating agreement matched with SS-S98-1. After full evaluation, Senator Veregge reported that the committee decided the best course of action was the introduction of a policy recommendation to assure that items referred to in SS-S98-1 were addressed. The committee constructed a strong document with details that were implementable without micromanaging. Senator Veregge concluded with 1) the policy recommendation and the operating agreement meet the concerns outlined in SS-S98-1 and validates the values and academic mission of the Library, 2) demonstrates that we (SJSU) have control over our library, and 3) that she will vote for the policy recommendation.

The Senate moved to debate. Chair Stacks imposed a limit of two comments per senator per motion in addition to a five minute time limit. Senator Hegstrom objected to the two comment limit. A vote was taken (30 in favor, 11 oppose, and 2 abstained) and the senate move to debate with the limitations.

Senator Roth rose to offer a substitute motion to AS 1053 in its entirety, and proceeded to read the motion (included as an attachment to the minutes). It was seconded. Senator Roth then proceeded to provide the senate with a rationale for the Roth substitution motion.

Chair Stacks instructed the senate on the procedures of debate when a substitute motion is offered.

Senator Mullen made a motion to amend AS 1053 by removing section 10 and replacing it with a fourth resolve statement that reads "That the attached document in its entirety becomes immediately null and void in the event that negotiations with the city of San Jose for the Joint Library are discontinued." It was seconded. Senator Peter offered a friendly amendment to retain section 10 but strike "does not open or the." It was not friendly. Senator Peter then offered it as an amendment and it was seconded.

Senators Norton, Desautel, and Mullen added to the debate before the question was called by Senator Buzanski. A voice vote was taken on the Peter Amendment to the Mullen Amendment and it passed.

Senator Peter called the question of the modified Mullen Amendment. A vote was taken and the senate passed the modified Mullen Amendment of adding a fourth resolve statement that reads "That the attached document in its entirety becomes immediately null and void in the event that negotiations with the city of San Jose for the Joint Library are discontinued." And keep section 10 but strike "does not open or the".

Senator Mesher offered an amendment (enclosed) that in its last resolve clause had the following recommendations:

First, that the final sentence of 9.2 be stricken and replaced with: "When all the transitional provisions listed below shall be resolved to the satisfaction of the Senate Library Committee, with the concurrence of the Senate, then the Senate shall declare an end to the transition period and shall charge the University Library Committee with the creation of a new Library Policy, superceding the present document and reflecting the current practices, procedures, and policies of the library at that time."

Second, that the final sentence of section 9.2.4 be stricken and replaced with: "As part of the first cycle of the Library Academic Services Plan, the University Librarian, the Head of the Reference Department, and the University Library Committee shall study reference usage patterns and shall then recommend whether or not to commingle the University and City reference collection and if so, to what degree."

And third, that a final section, 9.2.9 be added as follows: "Transition: Phased Introduction of Access and Borrowing. Before the opening of the Joint Library, the University Library Committee shall establish a general schedule for granting City patrons access and borrowing privileges for the University collection. That schedule shall include three stages: (1) on-site access without borrowing privileges; (2) on-site borrowing privileges; and (3) remote borrowing privileges (by ordering materials from a branch library). Each stage shall consist of a trial period, lasting at least one year, during which the impact of that stage on the collection will be studied, evaluated and, if necessary, diminished through the institution or alteration of policies governing use. Only once all major problems of one stage have received satisfactory resolution shall the next scheduled stage begin. The first stage may commence immediately upon the opening of the new building, or at any time thereafter. The second stage shall be part of the first cycle of the Library Academic Services plan (see 5.4) and therefore may commence no sooner than two years, and no later than five years, after the opening of the new building. The third stage may commence no sooner than five years after the opening of the new building. On-site and remote borrowing privileges for County patrons (that is, for patrons of public libraries in Santa Clara County outside of the city of San Jose) shall be considered only after the successful completion of the third stage. In establishing incremental policies to govern access and borrowing by City patrons, the University Library Committee may wish to differentiate between or experiment with combinations of the following:

1. on-site access to collection (without borrowing privileges)
2. on-site borrowing with onsite returns
3. on-site borrowing with remote returns
4. remote borrowing with remote returns (different from interlibrary loan)
5. numerical limits on borrowing by an individual
6. length of borrowing periods, dependent on type of materials
7. on-site renewal of borrowed materials
8. remote renewal of borrowed materials
9. exclusion of rare, critical, sensitive, electronic, or media materials, areas, and collections (see 4.3.5)
10. exclusion of high demand materials, areas, and collections (see 4.3.3.1)
11. inclusion or exclusion of materials by call number or subject matter
12. inclusion or exclusion of materials by shelving section or by floor
13. inclusion or exclusion of materials by date of publication, type of binding, availability of replacement, cost of replacement, etc.
14. staggering or rotation of available materials to enhance the accuracy of usage impact studies.

Senator Mesher then proceeded to give his rationale for the amendments. Adam Elsessor and Senator Bain informed the senate that such an amendment would render the policy in violation of the operating agreement forcing the President to choose between which two documents to sign.

Senator Shifflett asked the senate to defeat the Mesher amendment and stated that this might be better introduced as a Sense of the Senate resolution.

Senator Roth asked the President what he would do? President Caret responded that he did not want to be in a position to choose between the two documents.

Senator Young asked how much time the administration and the senate spent looking into the proposed joint library? Senator Peter offered that approximately 16 months have been spent on exploring the project, constructing an operating agreement, and developing a policy recommendation.

Assuming the senate decides to proceed, Senator Caret stated that we could look into seeing how these efforts could be studied before the library opens.

Senator Peter offered an amendment to the Mesher Amendment to add in the second section after ". . . shall then recommend to the senate" and at the end of that section add "If accepted, such recommendations shall be incorporated into section 5 of this policy." Add to the beginning of the third section: "The Administration be asked to renegotiate the operating agreement to enable a phased introduction for general users, such as the following:" to strike in the sentence "The third stage may commence no sooner than five years after . . ." It was seconded.

Senator Roth spoke in opposition to the Peter Amendment. Senator Buzanski called the question and the Peter Amendment to the Mesher Amendment passed (20-17-1).

Senator Roth called the question to the modified Mesher Amendment. It was defeated (19-20-4).

Senator Stork, Buzanski, and Hegstrom spoke in support of the Roth Substitute Motion. Senators Shifflett Bain, Sree Harsha, Brent, and Peter spoke to reject the Roth Substitution Motion and support AS 1053.

Senator Cook offered an amendment to add a resolve to ask the Administration to renegotiate sections 5.2 & 5.5 of the operating agreement in order to close branch library access to the University collection. The question was called and the amendment was defeated by voice vote.

Senators Norton, Gorney-Moreno, and Katz spoke in favor of AS 1053.

Senator Caret spoke in favor of the motion and described the magnitude of the project and the many positive possibilities this project would have for SJSU.

At 4:50 p.m., Senator Peter made a motion to extend the meeting until AS 1053 was resolved. It was supported and debate continued.

Senator Nuger spoke against AS 1053 and Senator Canziani spoke in support of the proposal. Senator Brown in a point of clarification reminded senators of the magnitude of their vote and to think of their constituencies when voting.

Senator Roth called the question. Senators Peter and Roth both called for a secret ballot. A secret ballot was supported by a minimum of five senate members. A secret ballot was opposed by Senator Nuger and he offered a motion that a roll call vote be taken. A roll call vote was supported by a minimum of five senate members. A secret ballot (ballot #1) was taken to vote on the motion calling for a roll call vote. It was defeated (19-21).

A secret ballot (ballot #2) was taken to determine if AS 1053 should be replaced by the Roth

Substitute Motion. The Roth Substitute Motion was defeated by secret ballot (12-28-1).

Senator Buzanski moved the question on AS 1053. <u>A voice vote was taken and the proposal passed</u>.

X. **Adjournment**

A motion to adjourn was made and seconded. The meeting was adjourned at 5:33 p.m.

No Consent Calendar Presented

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