2008/2009 Academic Senate

MINUTES
April 20, 2009

I. The meeting was called to order at 2:09 p.m. and attendance was taken. Forty-One Senators were present.

Ex Officio:
Present: Whitmore, Sabalius, Van Selst, Cavu-Litman, Lessow-Hurley
Absent: Meldal

Administrative Representatives:
Present: Najjar
Absent: Lee, Sigler, Phillips

Deans:
Present: Parrish, Merdinger, Stacks
Absent: Meyers

Students:
Present: Cerda, Hypes, Palumbo, Levy, Lichty, Linder
Absent:

Alumni Representative:
Absent: No representative assigned yet.

Emeritus Representative:
Present: Buzanski

Honorary Senators (Non-Voting):
Absent: Norton

General Unit Representatives:
Present: Sivertsen, Romo
Absent: Fujimoto

CASA Representatives:
Present: Fee, Canham, Schultz-Krohn, Kao
Absent: Hendrick

COB Representatives:
Present: Campsey, Roldan

ED Represent:
Present: Maldonado-Colon, Rickford
Absent: Langdon

ENG Representatives:
Present: Gleixner, Du, Backer

H&A Representatives:
Present: Desalvo, Brown, Mok, Vanniarajan
Absent: Van Hooff, Butler

SCI Representatives:
Present: McClory, Kaufman, d'Alarcao, McGee
Absent: Hilliard

SOS Representatives:
Present: Von Till, Lee, Heiden, Hebert

II. Approval of Academic Senate Minutes of March 16, 2009–
A motion was made to approve the minutes. The motion was seconded. The Senate voted and the minutes were approved with 1 abstention.

III. Communications and Questions –

A. From the Chair of the Senate:

Vice Chair Kaufman announced that Chair Meldal had a medical appointment and would not be joining us at today's meeting.

Vice Chair Kaufman attended the Faculty Service Recognition Luncheon on April 14, 2009, and commented on what a wonderful event it was.

Vice Chair Kaufman presented Senator Judith Lessow-Hurley flowers in recognition of having received the Distinguished Service Award for 2008-2009.

Vice Chair Kaufman announced that there is a Legacy of Poetry Day on April 23, 2009, and flyers about the event are on the back table for anyone that is interested in attending.

Senator Sabalius announced that John Garamendi would be speaking at the Morris Daily Auditorium this evening at 7 p.m. Garamendi is a Board of Trustee member, and shows up regularly at the meetings.

B. From the President of the University –
President Whitmore announced that there is a lot going on right now. The biggest issue is the budget. There is an extra $50 million that could be cut from the CSU budget. SJSU's portion is about $3 million. We have been planning for this to happen all along. However, there are two other upcoming events which could impact our budget. They include voting on the referenda, and our trustees have gone on record as supporting their passage. If these measures do not pass, they could impact the budget we have right now. In addition, the tax revenue base is down, and we won't know what this means for us for several months.

Another issue is impaction. We do have an Enrollment Management Committee that is working hard on this. We hope to get ourselves in a better position in the future.

The President announced that the Provost Search Committee is being formed right now. We will be hiring a search firm to assist in the recruiting effort. The President will be appointing an Interim Provost.

IV. Executive Committee Report –

A. Executive Committee Minutes –
  March 16, 2009 – No comments
  April 6, 2009 – Senator Buzanski asked if Vice Chair Kaufman would explain what "wayfinding" meant in item number 2. Senator Buzanski commented that he did not think they meant finding their way around campus. Senator Van Selst responded that this is exactly what the committee meant.

B. Consent Calendar –
  A motion was made to approve the consent calendar. The motion was seconded. The Senate voted and the consent calendar was approved unanimously. Senator McClory announced that she needed Committee Preference Forms from all Senators that had not already turned one in.

C. Executive Committee Action Items: Senator McClory presented *AS 1412, Policy Recommendation, Senate Elections (First Reading)*. Senator McClory stated, "The

current practice is that when we put out a call for nominations and don't get anyone to apply for that seat, we go back to the Dean and ask them to give us someone. The seat is then filled on a first-come-first-serve basis. This does away with first-come-first-serve, because you don't always want the first come person. This policy addresses that. The policy calls for nominations in a reasonable amount of time that are reviewed and approved by the Executive Committee.

Questions:

Vice Chair Kaufman asked, "If someone would like to apply for one of the unfilled seats, do they have to submit a nominating petition?" Senator McClory said, Yes. Mainly, for the Senate records."

Senator Sabalius asked, "In the committee vote, 6-0-1, what does the 1 stand for?" Senator McClory said, "The 1 is an abstention."

Approval of the 2009-2010 Senate Calendar :
Vice Chair Kaufman said, "The main difference between this year's calendar and next year's calendar is that Executive Committee meetings are not scheduled before the Senate meeting. This doesn't really affect the whole Senate." Senator Merdinger asked, "Will not having Executive Committee meetings before the Senate meetings allow us to then see the Executive Committee minutes before the Senate meeting?" The Senate Administrator, Eva Joice, responded that this change should allow the minutes to be posted before the next Senate meeting. A motion was made and seconded to approve the calendar for next year. **The Senate voted and the calendar was approved.**

V.   **Unfinished Business: None**

VI. **Policy Committee and University Library Board Action Items. In rotation.**
     A. University Library Board (ULB) –
     Senator Desalvo asked Senators to participate in the Library survey if asked to do so.

     Senator Lessow-Hurley announced that the library has received a National Endowment for The Humanities grant. This is a matching grant in which they will match our every $3 dollars with a $1. This is an extraordinary grant that will buy the library access to digital resources. Donations are encouraged and could make a real difference for the library.

     Senator Sabalius announced that the San José City Council would be meeting tomorrow at 7 p.m. to discuss internet access for public libraries. Senator Sabalius encouraged all Senators to attend.

     Senator Sivertsen said, "When Don Kassing was President, he made it clear that due to our MOU it didn't matter what the city council did regarding filters, it would not affect the university library, has that changed?" Vice Chair Kaufman replied, "To the best of my knowledge that has not thwarted the advances of the city council. The fact that the MOU is in place has not kept them from being interested in putting filters in place."

Senator Vanniarajan commented, "There was an article in the San José Mercury news that stated that the city wanted to put filters on the kids sections of the city libraries, and that they would be discussing this again with the university."

President Whitmore announced, "I have a letter being prepared that will go to that city council meeting that says the university and I do not support filtering in our libraries or the branch libraries."

Senator Lessow-Hurley commented, "No decision has been made yet. Councilmember Constant is proposing that filters be put in children's areas, but Councilmember Liccardo is vigorously opposed to the proposal." Vice Chair Kaufman said, "It is my understanding that Councilmember Liccardo obliquely agrees filtering could be a good thing, but believes there are far higher priorities for the city like crossing guards and police."

B. Professional Standards Committee (PS) – No report.

C. Curriculum and Research Committee (C&R):
Senator Von Till presented *AS 1413, Policy Recommendation, First-Year Experience (FYE) Courses (First Reading).* Senator Von Till said, "This rescinds university policy F04-2."

Questions:

Senator Heiden asked, "Since we have been doing MUSE for a while, what is the retention data?" Debra David replied, "For the past 5 years the overall increase in retention rates has been 4.1%. This past year there was a difference of 6.5% between those that took MUSE classes and those that did not. For those students that need remediation, the difference is even greater."

Senator Hebert asked, "Will FYE classes be required for all freshmen students?" Debra David replied, "No."

Senator Backer commented that it states that if the course has been offered three times then refer to the procedure in S04-2, but S04-2 is being rescinded by this policy. Debra David responded that they would make modifications to the new policy to explain the procedures from S04-2.

Senator Romo asked, "I have a question regarding the new, entering freshman class. Do we have any data, or information on what effort is being made to provide information about MUSE to new Latino and African-American students?" Debra David replied, "I don't have any information on the demographics of those we are accepting for Fall 2009. In terms of the outreach, the outreach effort is extensive. We provide information at resource fairs and all the welcome addresses, and it is promoted in our individual advising sessions. We also work with the colleges and departments to encourage including information on MUSE classes in their advising, where appropriate.

Senator Van Selst asked, "What policy created MUSE? If it is S04-2, we want to make sure that MUSE designation exists somewhere. I'm concerned that there are a lot of procedures created in that policy." Debra David said, "I don't know the number off the top of my head." Vice Chair Kaufman said, "I just looked it up and S02-6 establishes MUSE, and S04-2 puts it in the GE program."

Senator Gleixner asked, "I have a question about adding the learning communities as an example of a course model, because currently they are kind of informal things that don't go through the college or university curriculum, but it seems like they will be routing them through a curriculum committee and would there be guidelines for them like a course, and would they register for them?" Debra David said, "Just as an example of an FYE, if a learning community is proposing to be designated as FYE then they would go through them [curriculum committees], but learning communities in general would not." Senator Gleixner said, "What would be the benefit of being designated as FYE?" Debra David said, "That actually came from the College of Engineering wanting to include the living/learning communities as one of the ways they might help the learning outcome. It is up to the college whether they want to go through that process or not." Senator Gleixner asked, "Everything else in this document reads like a course, is there a clear differentiation of what the curriculum guidelines would be for a learning community?" Debra David replied, "The purpose of this, and this came with input from Senator Backer [Chair of the Organization and Government Committee], and Associate Dean Emily Allen [College of Engineering] is to limit all of the learning to a course. It does need to say how many units the course would be, but this would create flexibility to accommodate some of the unique characteristics of the College of Engineering."

Senator James Lee asked, "My understanding of some of the research on FYE courses is that some of the value is that students become attached to the university, the people around them, and the community. I don't see anything in these courses that would foster attachment to SJSU." Senator Von Till responded, "If you look under the course criteria, and course objectives it speaks to some of this." Debra David responded, "The last criterion says it should involve learning experiences outside the classroom, and the learning outcomes do encourage this. Beyond that, the peer-to-peer interaction, and the faculty-to-student interaction have been associated with greater bonding." Senator James Lee asked, "Why don't we say attachment?" Senator Von Till said, "I think we could say attachment."

Senator Von Till presented *AS 1416, Policy Recommendation, Amends the 2005 General Education Guidelines (Final Reading).*

Questions:

Senator Backer said, "Do the guidelines for Program Planning also have to be approved, and will they have to come before the Senate before this goes into effect?" Senator Von Till said, "No, it is my understanding that once this becomes policy it goes back to Program Planning. The part Senator Backer is talking about is attaching the cycle of assessment for GE to the Program Planning cycle."

Senator Hebert asked, "How long will the certification last?" Senator Von Till said, "As long as the program planning cycle. Five years for most departments."

Senator James Lee asked, "Why must we have a one-size-fits-all-departments policy for the assessment activities. In my department, we might choose to evaluate one at a time rather than all of them each time. The way the policy is written we must do one SLO per GE course per year. It constrains the department from doing assessment the way they might want to." Senator Von Till replied, "Actually, No, it makes it more flexible to allow, for example, when a department submits its assessment plan that that could be articulated and accepted." Senator James Lee said, "Are you saying that if the department prefers not to do one SLO per year, we don't have to do one per year?" Senator Von Till responded, "Actually, they are more flexible in that area and you find it under the section where the department submits its assessment plan." Senator Van Selst said, "It is in the square box notes right below timeline on page 14." Senator Von Till said, "It says departments may assess any combination of SLOs in a given year, but they must assess all SLOs in a program planning cycle." Senator James Lee said, "Is my understanding correct though that each course must have some kind of assessment every single year?" Senator Von Till replied, "Yes, except that if you were proposing as a department something more comprehensive in terms of a survey and so forth that would be acceptable."

Senator Brown said, "I asked this question last time, why isn't assessment tied to program planning every five years? Why do you need a yearly assessment?" Senator Von Till replied, "The yearly assessment is much less than what is currently required. It is a one-page form. We were trying to reduce the amount of work required and just have a progress report every year for the purpose of the department's use when it comes to do its program planning."

Debate:

Senator Backer presented an amendment to the Procedures for the Assessment and Continuing Certification of GE Courses, Annual GE Assessment Report, Content of the Annual Assessment Report, section (1) to read, "What SLOs, or course components were assessed for the course during the AY?" Senator Fee presented an amendment to the Backer amendment to add "and/or course components." Senator Backer stated that "or" implied "and/or." The Fee amendment was withdrawn. Senator McGee presented a friendly amendment to the Backer amendment to change section (1) to read, "What SLOs, or course components (for example, diversity, writing, etc.) were assessed for the course during the AY?" The Senate voted and the Backer amendment as amended by Senator McGee passed with 2 Nays and 1 Abstention.

Senator Brown presented an amendment to strike the word Annual and have it replaced with Program Planning Cycle. The amendment was seconded. The Senate voted and the Brown amendment failed.

A motion was made to call the question. The Senate voted and the motion passed with 1 Nay.

The Senate voted on AS 1416 as amended by Senator Backer and McGee and it passed with 1 Nay and no Abstentions.

D. Organization and Government (O&G) –
Senator Backer presented *AS 1410, Senate Management Resolution, Changing the Membership of the Heritage, Preservation, and Public History Committee (Final Reading).*

Questions:

Senator Sabalius asked, "How long has this committee been in existence?" Senator Backer replied, "Since our 149th year." Senator Sabalius asked, "Since we have passed our 150th Anniversary shouldn't we dissolve the committee?" Senator Backer replied, "No, because we still have a policy to retain our history and our art."

Senator Buzanski asked, "Do we have a historian? If not, we should have one." Senator Backer said, "I agree."

Debate:

Senator Buzanski presented an amendment to add the University Historian to the Heritage, Preservation, and Public History Committee. The amendment was seconded. Senator Sabalius made a friendly amendment to the Buzanski amendment to read, "Be it resolved, that the seat for the History Webmaster be replaced with a seat for the University Historian." The Senate voted and the Buzanski amendment, as amended by Senator Sabalius, failed. The Senate then voted and **AS 1410 passed with 1 Nay, and 1 Abstention.**

Senator Backer presented *AS 1411, Senate Management Resolution, Changing the Time Frame for the Task Force to Investigate Open Access to Faculty and Student Publications (Final Reading).* There were no questions or debate. **The Senate voted and AS 1411 was approved with no Nays or Abstentions.**

E. Instruction and Student Affairs Committee (I&SA) –
Senator Sivertsen presented *AS 1414, Policy Recommendation, Grading Symbols, Drop and Withdrawal; Retroactive Drop and Retroactive Withdrawal; Assignment of Grades and Grade Appeals; Change of Grade; and Integrity of the Academic Record (First Reading)*. Senator Sivertsen said, "This actually originated in the Chancellor's Office. This means we have no flexibility in a lot of it. What I'd like to do is let you ask questions so that we can clarify where we have no option to change it."

Questions:

Senator Hebert said, "It is not covered in this policy, but perhaps you could stress it in the next couple of weeks. This semester I had a student that brought in a test where I had given him an 84, but had written down a 48. I recalculated the grade and filled out the form, but

my chair would not sign it without proof. I use a spreadsheet and that is all I had for proof. This poor student is being cheated out of a grade, because the Chair won't sign the piece of paper. Would you consider addressing this? Stephen Branz replied, "Yes, this is most closely addressed in section IV.C which talks about change of grade requests. What we tried to do was build in some flexibility without defining procedures too much. You will see that it says, "normally such requests must be received within 30 days following the posting of grades to the official transcript and will require the signatures of the instructor and department chair, but exceptions by petition will be accepted through the drop deadline of the following semester." This means there will be a petition process. It is likely to be a combination of Undergraduate and Graduate Studies."

Senator Heiden asked, "For incompletes when you are supposed to submit something in writing in terms of what you need to meet the requirements, is there a form for that." Stephen Branz replied, "That is being done by something that is called, *Baseline*, the programming for CMS for the whole system. Baseline is going to include a required field in order to enter an Incomplete grade. We are all crossing our fingers that this programming gets done before Fall 2009. I want to add one thing. We are required by the Chancellor's Office to implement this by Fall 2009. There are some places where we are given leeway by the Chancellor's Office and we debated those areas in I&SA. The areas where we didn't have any leeway we left as plain text."

Senator Hebert asked, "Technically, it seems to me that section IV, if implemented, would mean the Associate Dean of each college would end up having to approve 90% to 95% of all grade changes. Current policy does not require the signature of the Associate Dean, so why are we bringing them into it at all?" Stephen Branz replied, "While most faculty are responsible on this score, the Registrar has numerous examples of irresponsibility. It is a way of tracking where there are areas of abuse of this on campus. The Associate Deans were willing to take this on. The exception, while we didn't define it here, is that an instructor that asserts that a faculty member is away for the summer will automatically be granted an extension through the drop deadline of the following semester. Currently, we don't have any of this spelled out in the existing policy from 1973." Senator Hebert said, "The existing policy says something like the request for the grade change should take place normally within one semester which makes sense, or 30 days after the start of the next semester after the grade was assigned. That also makes sense to me." Stephen Branz said, "I can tell you what the complication is from the Registrar's standpoint. Whatever is posted on the record is used to calculate academic standing, so at the end of the semester if there is nothing, it means you are in good standing. If your SJSU cumulative grade, or overall is below 2.0, you can fall into probation or be disqualified. Those have to be calculated in a timely fashion, and the late submission for a change of grade is resulting in a tremendous amount of manual labor. Where possible, we tried to build in flexibility for faculty."

Senator Van Selst asked, "For the report in progress, if a student submits a leave of absence form, does that delay the RP but not the I?" Stephen Branz replied, "I need Graduate Studies and Research here to answer that one. I would guess those are two independent processes, but I can find that out for you." Senator Van Selst said, "My assumption is that the incomplete would have to be completed within a year regardless, because that is just known

work that you have to finish, and an RP is kind of a continuing problem. There is an expectation that you are going to continuing working on whatever it is." Stephen Branz said, "The distinction between those two is that an RP is given to courses that are expected to go beyond one semester, such as 298 and 299 for graduate students. Incompletes are given to courses that are expected to be completed with in the one semester time frame."

Vice Chair Kaufman asked, "In I.B regarding incompletes, it says if a new grade is not submitted after an incomplete it becomes a failing grade?" Stephen Branz replied, "What we currently have is that if you don't file for an extension and you don't do anything about completing the work, it reverts to an IC which is equivalent to an "F". Vice Chair Kaufman asked, "What happens if you complete the work, but the faculty member doesn't submit the grade?" That would require a change of grade form, and that falls under the change of grade section. If an instructor wishes to submit a grade other than an IC, they may do so and at the end of that semester it will revert to that grade."

Senator Van Selst asked, "Is there a mechanism in place for that to happen?" Stephen Branz said, "Yes, in Baseline. They want to have a hidden field for instructors and advisers, or chairs that would be optional to fill in."

Vice Chair Kaufman asked, "In V.C on page 8, it says after a degree has been posted no further grades can be posted. What if a student gets an "A," but due to an administrative error it gets entered as a "C." The student then graduates the next week." Stephen Branz said, "I'm taking this from the Registrar, inevitably when she sees these there is a situation several years down the road when someone needs a 3.0 to get in graduate school, and they have a 2.98 GPA, and they go and beg some professor to change a grade. The posting of the grade doesn't take place for a certain amount of time after the end of the semester. I would hope students would check their grade in a timely fashion and file a protest if they disagree with a grade. They can check their grades on My SJSU from anywhere in the world. This is an area of abuse in the past."

Senator James Lee asked, "If I realize, after turning in my grades, that I was particularly harsh on a student because I didn't like that student, would this policy prevent me from changing that grade?" Stephen Branz replied, "I would think either through a change of grade form, or through the Student Fairness Committee, you would have more support from this than the previous policy."

Senator Van Selst said, "I think this is covered in section III.C. Stephen Branz said, "That would be cause for a grade appeal through the Student Fairness process."

Senator Hebert said, "Looking at IV.B., what we are being asked to do is to take into account different learning styles of our students. It seems to me that inherent in adapting or using different learning styles of the students, we are going to have to individualize our grading of the students, and yet treat everyone the same." Stephen Branz said, "The demonstration of the learning outcomes says that all students are to be held accountable for demonstrating the same learning outcomes in the class. They may need special equipment for learning, but the basis for the grading should be the same for all students."

Senator Lessow-Hurley responded, "All students can be held to the same standards, but the notion of obliging different learning styles, in my mind, speaks to multiple assessments, and making the curriculum accessible to students with respect to their disabilities. When it comes to assigning a grade, I think the key is whether the student has met the standards, however we expect them to demonstrate it. I think the question of being harsh or unfair, and I would be the first to say there is always an element of subjectivity in grading and I think we would all be foolish to pretend that is not the case, but careful assessment would mitigate against you simply dropping a brick on a student because you didn't like them in class."

Senator Brown said, "It doesn't have to be that I graded someone unfairly, I could have made a mistake in judgment. Why can't I change the grade if that is the case?" Stephen Branz said, "This part of the language came from 1973, and the intent was that the judgment you make when you are sitting down going through all the exams is probably fairer than if you read it a week later. If you are re-judging one student, why aren't you re-judging every student in the class? If there was a way to uniformly offer every student in the class the chance to resubmit their paper and have it re-graded, then you could change all the grades across the board. That language was not in the old policy, but we included that permissibility here. However, we included language so that you cannot single out one student for that reconsideration without making that opportunity available to all the students." Senator Backer said, "Section III.C states instructor or clerical error."

Senator Rickford said, "I am becoming a little uncomfortable with this conversation. I think as Senator Lessow-Hurley said, there is always going to be an element of subjectivity in grading, but I think as faculty we must continually operate from our best ethical and moral standpoint. Why would one assign a grade to a student just because he didn't like the student. That has nothing to do with the performance of the student. Also, why aren't faculty trusted more? Why do we even have to justify changing a grade? I feel that our prerogative as faculty is being eroded in some way, and I am a little bit uncomfortable with that." Stephen Branz said, "I will answer again on behalf of the Registrar. She has had a number of faculty that have admitted to her that they changed the grade because the student came in and told them they were going to lose their international visa or be disqualified, etc. The Registrar has refused those when that has happened. What we tried to do was setup a process where it doesn't have to be the Registrar that is seeing every one of these. I would also say that I know of at least one case where the Chair of a department wanted to give the faculty some cover by telling them what to write on the change of grade form [i.e., an invalid reason, so that that he, the Chair, would then refuse to sign]. There are faculty that feel a lot of pressure from students, and that was why we were explicit."

Senator Sivertsen said, "Clearly, it seems as though we need to have a little more discussion about this in our committee. I tend to agree that we need to be as trusting as we can of faculty decisions, but people are also human. I also know the Registrar needs to have her system simplified. Let's move away from this a little so we can discuss it more in the committee."

Senator Backer said, "With the new revision in section IV.B it appears inconsistent with

III.C. If you write this, make sure the sections are consistent."

Senator James Lee said, "It does seem that as part of the grade appeal process you go to the faculty member first. A faculty member by the grade change policy may not be allowed to change the grade." Senator Backer said, "It says that in III.D." Stephen Branz said, "Yes, III.D. says if you can't resolve it, then you present your case to the appropriate campus entities. In this case, that is the Student Fairness Committee."

Senator Van Selst stated, "Under III, I think that should probably say Student Grade Appeals Process, or something like that. My other question is the bigger question. Who actually can change the grade? Can a chair sign a grade change form for a faculty member that isn't available, or doesn't agree with the change? This is unclear."

Senator Lessow-Hurley said, "It might help resolve some of the confusion if you were to clarify under number III that this is not assignment of grades, but about the grade appeals process." Stephen Branz said, "Yes, I think the heading to the entire section, or a little short paragraph could specify where we currently have student fairness policy or procedures on campus."

Senator Hebert said, "Why does this require approval of the Associate Dean?" Stephen Branz said, "Most of the grade change forms on this campus do come in before the drop deadline the next semester and won't require this. It is really to help the Associate Deans oversee where there may be individual faculty or departments that are way out of line with university averages." Senator Hebert said, "IV.D. says requests received more than 30 days after the posting of grades, that would be July for Spring semester, require the signature of the Associate Dean. That would have nothing to do with the drop deadline." Stephen Branz said, "That should say unless an exception was granted under C."

Senator Backer asked, "You mentioned in your justification that the Registrar said that people were changing grades due to student requests, but that is anecdotal evidence. How many hundreds and thousands of grade changes are done due to true administrative or clerical errors. What is the percentage of grade changes that are problematic?" Stephen Branz replied, "It is less than 10%." Senator Backer replied, "So, we are writing a new policy to cure the 10% problem cases that probably will be happening anyway." Stephen Branz said, "We already have a grade change policy." Senator Backer replied, "I know but it seems we are making some drastic changes." Stephen Branz said, "I can tell you right now as far as practice, anything that is over 1 year old goes to Undergraduate Studies for final approval. The Registrar feels uncomfortable making those decisions on her own after one year. We are already doing part E. The Associate Deans have already been consulted and are agreeable with part D on there." Senator Backer replied, "Still, if you go back to C and D, it is still inconsistent."

Senator Kao said, "Going back to sections III and IV, and I understand these are different areas, but III.D. says that, "students that believe an appropriate grade has not been assigned should first review it with the instructor of record." My interpretation of an inappropriate grade has not been assigned could be back to III.D. an instructor error, but this takes you to

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IV. IV says if I agree I've made an error, I have to now re-grade everyone's paper."
Stephen Branz said, "It depends on the type of error. If it is a 48 and an 84, you can correct
that." Senator Kao said, "What if I graded the papers at 2 a.m. and I just missed something,
now I have to go through all the other papers again to see if I missed anything?"

Senator Fee said, "Would it be helpful in wording if you put in, *unless a judgment for
reconsideration is applied fairly and equally for all as a matter of a fair and equal rubric,* as
opposed to contacting every student again?"

Senator Heiden said, "Sometimes my multiple choice questions are worded great and
sometimes they aren't. If I think some students didn't understand the question, I go back and
change the grades of the students affected as opposed to contacting every student in the
class. Having to notify all the students doesn't make sense to me. This might be easier
handled on the green sheet." Stephen Branz said, "I think the point you make is that when a
student brings this to your attention, you can notify the entire class that if you have this issue
stop by." Senator Heiden said, "No, I mean if you give the students this information about
what their options are up front, then we shouldn't need to do this."

Senator Sivertsen said, "Everyone please write down your suggestions and send to Stephen
Branz."

Senator Linder said, "Yes, it seems difficult to have to contact all your students to be sure
they are all treated fairly. However, if you don't feel you can grade fairly at 3 a.m., you
shouldn't be grading papers at 3 a.m. It might also behoove you to be sure you are making
fair decisions. It doesn't seem appropriate to write a policy to make it easier on the faculty
instead of more fair for the students."

Senator Sivertsen presented ***AS 1415, Policy Recommendation, Amendment to University
Policy F08-2 (First Reading).*** Stephen Branz said, "The policy we passed last Fall, F08-2,
rescinded a number of policies that pertained to Academic Renewal. In trying to find all the
policies that needed to be rescinded, I missed one. F08-2 is very inconsistent with this
policy, and there is nothing in F94-5 that isn't in F08-2." Senator Backer said, "We just
passed a bylaw that resolves this issue without having to bring these to the Senate floor."
The Senate Administrator, Eva Joice, clarified that bylaw 16 allows for the Senate
Administrator to bring the matter of a missed policy that should have been rescinded to the
attention of the policy committee chair. If the policy committee reviews and determines the
policy should have been rescinded, the Senate Administrator can then rescind the policy and
so note in the Senate records. The Senate Administrator will then make a report to the
Senate. The Senate Administrator asked Stephen Branz for clarification as to whether there
was anything in the policy that the Senate should debate." Stephen Branz said, "No." The
resolution was withdrawn.

VII.   Special Committee Reports – None

VIII.   New Business – None

IX.   State of the University Announcements. Questions. In rotation.

A. Provost –
Senator Merdinger gave the Provost's report. Senator Merdinger announced that there was a SOTE scanning machine malfunction and all Fall 2008 SOTES have to be rescanned. "Official As Rescanned" will be on the top of all newly scanned SOTES. All part-time faculty SOTE forms for Fall 2008 will be shredded. For tenure-track faculty that have just completed their 1st, 3rd, and 5th year review, and for all full-time temporary faculty, their Fall 2008 SOTE evaluations must be shredded after their evaluations are reconsidered. For further details about scanning, please contact Institutional Planning and Research. Tenure-track individuals that have already received reviews must be reconsidered if there are differences between the Fall 2008 SOTES that were returned to them and the rescanned Fall 2008 SOTES that are forthcoming to them. The same practice will be followed with the evaluations for full-time temporary faculty. Evaluations must be reconsidered if there are differences in the SOTES. For part-time temporary faculty that will receive their evaluations on May 1st, the Fall 2008 SOTES must be disregarded in the annual review and shredded. The rescanned SOTES for Fall 2008 will be considered in the next annual evaluation that will take place in Spring 2010. Part-time faculty will have three semesters of SOTES considered in this evaluation rather than two during Spring 2010. These steps will assure that all faculty will have the correct SOTES evaluation, and that the correct norms appear on each faculty member's SOTE form.

Questions:

Senator Backer asked, "For the part-time lecturers why not delay their evaluations until the SOTES have been rescanned?" Senator Merdinger replied, "That is a good question. We don't have an exact date when all the SOTES will be rescanned and out to the campus. The plan is for everything to come out to the campus together. Just as a reminder, the Senate passed a policy about re-norming in Fall 2008, so there was an unprecedented number of SOTE forms that had to be scanned. I think it was something like 85,000 forms that had to be scanned. We think it is better to move forward with the evaluations excluding Fall 2008, because there are other elements that can be reviewed."

Senator Buzanski asked, "How may this affect personnel records in terms of retention and promotion, etc.?" Senator Merdinger said, "That is a really good question. There is some good news in here. One hundred and thirty people were unaffected by this that were up for 2nd, 4th, 6th year, and post tenure promotion reviews. Those dossiers were submitted in September. The people most affected are the 1st, 3rd, and 5th year review candidates, and we have a mechanism in place that if there is a difference between the first SOTE and the newly scanned SOTE, those faculty will be re-reviewed by their departments and their chairs. The same thing is true for our full-time lecturer faculty."

B. Vice President for Administration and Finance – No report.

C. Vice President for Student Affairs – No report.

D. Associated Students President –
AS President Cavu-Litman reported that AS has been working with FDO to design a new sign for the AS House. AS has also been working on their budget. The AS budget is about $7 million.

AS will be swearing in a new Board of Directors on April 30th, 2009. The new AS President is Megan Baker."

Senator Linder reported that she and AS President Cavu-Litman had been in Sacramento over the weekend for the California Higher Education Student Summit. Students from all the different CSUs attended workshops on student lobbying. Senator Sivertsen was there and taught a workshop on Leadership and all reviews were very positive.

SJSU students have teamed up with State Senator Elaine Alquist on a bill, SB 48, which would require that all course materials be available electronically by 2020. This would cut the average student's textbook costs in half.

Senator Sivertsen announced that 15 bathrooms on campus have been designated as unisex bathrooms.

E. Vice President for University Advancement – No report.

F. Statewide Academic Senators –
Senator Lessow-Hurley announced that the CSU Statewide Senate had passed a resolution affirming equal rights for all individuals regardless of race, ethnicity, gender, sexual orientation, or disability. Other resolutions can be viewed on the CSU Statewide Senate website.

X. Adjournment – The meeting adjourned at 4:35 p.m.