

2016/2017 Academic Senate

**MINUTES
March 13, 2017**

I. The meeting was called to order at 2:05 p.m. and roll call was taken by the Senate Administrator. Forty-Two Senators were present.

Ex Officio:

Present: Kimbarow, Van Selst, Lee,
Sabalius
Absent: Perea

Administrative Representatives:

Present: Faas, Feinstein
Absent: Blaylock, Papazian

Deans:

Present: Stacks, Jacobs, Green
Absent: Schutten

Students:

Present: Spica, Tran, Caesar
Absent: Balal, Medrano

Alumni Representative:

Present: Walters
Absent: None

Emeritus Representative:

Present: Buzanski
Absent: None

Honorary Representative:

Present: Lessow-Hurley

General Unit Representatives:

Present: Matoush, Higgins, Trousdale,
Kauppila

CASA Representatives:

Present: Schultz-Krohn, Shifflett, Grosvenor, Sen, Lee
Absent: None

COB Representatives:

Present: Reade, Rodan, Campsey

EDUC Representatives:

Present: Mathur
Absent: Laker

ENGR Representatives:

Present: Chung, Hamedi-Hagh

H&A Representatives:

Present: Frazier, Grindstaff,
Miller, Khan, Riley
Absent: Ormsbee

SCI Representatives:

Present: White, Cargill, Kaufman
Absent: Boekema

SOS Representatives:

Present: Peter, Wilson, Trulio, Hart

II. Approval of Academic Senate Minutes—

The minutes of February 13, 2017 were approved as written (42-0-0).

III. Communications and Questions –

A. From the Chair of the Senate—

Chair Kimbarow announced that the Spartans-Supporting-Spartans Campaign would be at the meeting at 3:30 p.m. and he encouraged Senators to contribute. Chair Kimbarow noted that staff make the least, but contribute the most to the university. For instance, Eva Joice, the Senate Administrator, contributes \$50 a month out of her pay to the Senate discretionary fund and has continued to do so for several years now.

Chair Kimbarow reminded Senators that there is an attendance policy and that the Senate Administrator does take a silent rollcall at every meeting. Senators need to be at the meetings to represent their colleges.

Chair Kimbarow announced that for the remainder of the semester due to the heavy volume of policies coming before the Senate, the amount of time spent on questions during first readings will be limited. Also, questions during final readings will be restricted to only those changes that have been made since the first reading.

B. From the President— None (President Papazian was off campus.)

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

A. Vice President for Student Affairs – No report.

B. Associated Students President – No report.

C. Chief Diversity Officer (CDO) – No report.

D. CSU Statewide Senators –

The CSU Academic Senate plenary begins this Wednesday, and continues through Thursday, and Friday, so this is a brief update today. There are four resolutions that should be coming back for final readings this week. These resolutions include employment security, California Master Plan and Tax Reform, GE and Intermediate Algebra, and support for Deferred Action for Childhood Arrivals (DACA) students. Other items of interest include discussions about the faculty nomination procedure for faculty trustees, the quantitative reasoning taskforce report and implementation procedures, and general education.

Questions:

What is behind the resolution regarding California's Master Plan and Tax Reform?

Answer:

There is a proposal out called the "\$48 plan" that proposes to increase a number of taxes in California including oil and gas extraction taxes. Some of this money would be used to bring the tuition for the CSU and UC back to zero. It is a very ambitious plan. However, the Faculty Affairs Committee does support the plan and will be bringing a resolution to the CSU Statewide Senate.

Question:

What in particular are the legislature and the Board of Trustees really interested in regarding general education?

Answer:

That depends on what college you come from. The faculty and the deans in the various colleges differ in their support for a wide and large general education package.

E. Provost – No report.

F. Vice President of Finance and Administration –

VP Faas announced that notices went out about furniture being removed from Clark Hall, but only certain furniture is slated to be removed. FD&O was over zealous in labeling the furniture to be removed and mislabeled some furniture. This has been corrected after consultation with departments in the area.

Question:

Can we create an app that would allow students to be notified when there is leftover food at the end of a meeting? I know catering must throw away some of this food.

Answer:

We have a whole presentation on sustainability and what we do with leftover food. For instance, some of it can't be given away, such as chicken if it is left out too long, but girl scout cookies can be reused. Very little gets wasted by Spartan Catering.

G. Vice President for University Advancement – (Note: Chair Kimbarow invited the VP of University Advancement – Paul Lanning to brief the Senate)

VP Lanning announced that our endowment distribution was only 3% last year, but this year the Tower Board approved a 4% endowment distribution. That will redirect about \$4.6 million to the campus and is a 40.7% increase from last year's distribution. This reflects the rate increase from 3% to 4% this year as well as growth in the endowment fund. This is very good news for us. The actual amount is \$4,567,072. Of this amount, 31.2% is designated for scholarships across the campus. The remainder of that distribution employs 52 students and staff across the campus, and provides operating flexibility to the colleges, athletics, and different university programs. As a comparison, in 2007 the endowment distribution was \$1,640,000, so we have increased fundraising threefold since that campaign. The endowment as a total right now is at about \$135 million. It was significantly below that over the last few years.

Question:

When a distribution goes out does it go to each individual department account?

Answer:

Yes. If there is ever a question about this feel free to contact the Tower Foundation COO.

As a result of a bylaw change that was adopted in the Fall, the Tower Foundation Board now has an at-large faculty position open. VP Lanning will distribute the application to Chair Kimbarow to distribute to the Senate and other faculty. If there are any questions about serving on the Tower Foundation Board, contact VP Lanning directly. The Tower Board would like to approve a faculty member in time for the last meeting of the year in June 2017, so that he/she will be ready to go in Fall 2017.

V. Executive Committee Report –

A. Executive Committee Minutes –

EC Minutes of February 6, 2017 – No questions.

EC Minutes of February 20, 2017 – No questions.

B. Consent Calendar –

The consent calendar of February 13, 2007 was approved as amended by AVC Schultz-Krohn.

C. Executive Committee Action Items:

VI. New Business – The Spartans-Supporting-Spartans Coffee Break, Time Certain of 3:30 p.m. to 3:45 p.m.

VII. Unfinished Business: None.

VIII. Policy Committee and University Library Board Action Items. In rotation.

A. Curriculum and Research Committee (C&R) –

Senator Mathur presented *AS 1641, Policy Recommendation, Amendment A to University Policy S16-14, Clarification of Internship (Final Reading)*. Senator Shifflett presented an amendment that was friendly to the body to change the Resolved clause on line 124 to read, "Resolved: That oversight of the renewal of UOAs is the responsibility of the Office of Student and Faculty Success in consultation with departments;..."

Senator Mathur presented an amendment that was friendly to the body to strike the Resolved clause on lines 113 through 117, and to add to the Resolved clause on line 61 to read, "Leadership; CCLL; which will develop procedures to address unique situations across departments and students."

The Senate voted and AS 1641 passed as amended (36-1-2).

B. Instruction and Student Affairs Committee (I&SA) –

Senator Kaufman presented *AS 1637, Policy Recommendation, Required Enrollment for Culminating Graduate Students (Final Reading)*. Senator White presented an amendment to lines 84 and 85 to strike "(often 298s although other course numbers are also used)." The White amendment failed (2-21-5). **The Senate voted and AS 1637 passed as written (33-2-0).**

Senator Kaufman presented *AS 1648, Policy Recommendation, Graduate Student Revalidation of Courses that Exceed the 7-year Limit (First Reading)*.

Questions:

Q: Did the committee consider adding in a clause that says when exceptions are needed consult with Graduate and Undergraduate Studies Offices instead of spelling out all this revalidation in the policy? (Line 53)

A: The committee did not discuss this, but will consider it.

Q: In line 56 it says students must have a B in the course to revalidate it, why a B?

A: Graduate students must maintain a 3.0 average, so a B was thought to be consistent with that.

Q: Are there any courses in say the field of Mathematics, where change would be impossible to occur over time and where this whole policy would be useless so that an exception might be written into the policy to accommodate those programs? Why make those students take these courses again?

A: Only because of the statutory time limit that the CSU education policy puts on us which says these units expire.

Q: You can't make an exception for that?

A: You still have to revalidate it. You don't have to test on new knowledge, but you still have to revalidate it.

Q: On page 2, line 68, it talks about course material that is outdated after 7 years, and my question is who decided on that time frame? Is that in the CSU statute?

A: The time limit is 10 years for undergraduates and 7 years for graduates, and is required by Title V.

Q: It says that in order to revalidate the course an exam will be given, but in some cases an exam isn't appropriate at all because the culminating experience for that course was a paper. Would the committee consider adding more flexibility by adding "exam or culminating experience"?

A: The committee will consider this.

Q: This proposal is extremely micromanaging and gets involved in departmental matters to the extent that I don't think university policy should. The policy borders on curricular matters and probably should be referred to C&R. Would the committee consider shortening this to just a paragraph covering the general principles while leaving the actual procedures and details about how this is done up to the individual departments?

A: The committee certainly would consider that.

Q: Would the committee consider clarifying for me that at the beginning of the policy it talks about course data being out of date, but at the end it refers to student knowledge being out of date. Is the intention that the student at the end of his/her career should have a requisite body of knowledge, and between the course content and his/her stale knowledge of the content etc., can this be better explained in number 2?

A: The committee will work on that.

C. Professional Standards Committee (PS) –

Senator Peter presented *AS 1643, Policy Recommendation, Amendment C to S15-6, Appointment of Regular Faculty Employees, Consideration for Early Tenure for Previously Tenured Faculty (Final Reading)*. **The Senate voted and AS 1643 was approved as written (33-0-0).**

Senator Peter presented *AS 1646, Policy Recommendation, Selection and Review of Department Chairs (First Reading)*.

Questions:

Q: In Section 3.7 and 4.2.1. regarding forwarding the name and results, why are there two categories with one being for lecturers and the other tenure/tenure-track faculty? I believe this creates further inequality in an already unequal system. Also pertaining to section 3.7 how would this work logistically, would it be forwarding the name of the candidate and then distributing the results? My third question pertains to 4.2.1. which states "must provide temporary faculty with the opportunity to provide confidential feedback on the search prior to final recommendation." What would the mechanism for this be?

A: First, section 3.7 comes from the existing policy and there is no change from the current policy in how temporary and permanent faculty votes are counted. Before 2002, lecturers did not vote at all and this comes from that policy. With regards to 4.2.1, different departments could do it different ways. Some departments do confidential surveys.

Q: Regarding section 11.1, Administrative Removal, I've had to deal with this section of the policy more than I would like. The statement on line 430 and 431 that says, "A Chair shall receive due process appropriate to the nature of the offense that justifies removal." Is this in alignment with the Collective Bargaining Agreement (CBA) between the CFA and CSU? The CBA states that department chairs shall be appointed by the President and shall serve at the pleasure of the President. It seems to me that this policy usurps the CBA.

A: The CBA does say the President can remove a department chair, but there is nothing saying a President couldn't agree to follow a system of due process. We are asking the President to endorse that by signing the policy to give the department chair a chance to defend himself/herself prior to removal. What we want to avoid is the past where chairs were called "heads" and the President appointed them with no faculty input. If a President can remove a chair without a system of due process, then the notion that the chair is a leader of the faculty has little meaning.

Q: Who becomes an arbiter of determining if any of these listed activities have been breached?

A: It is still the President.

Q: What was the reason for additional sentence regarding due process?

A: Policies are often made with either the memory of past presidents we have had, or the threat of what a new president could bring, and the concern here was not about a chair being removed for an offense that is very clear and is already dealt with in a system of due process such as Title IX, the issue here is what if a chair is removed for some other reason then the chair deserves to have their day in court and explain himself/herself.

Q: My comments are about lines 114 and 115 regarding the job description being developed in consultation with the department and being periodically reviewed. This strikes me as vague. It bothers me. Where did this come from?

A: In the last policy reform there was a requirement that there be a job description and that it be vetted by the department personnel committee. One of our deans objected to this particular language saying that in this particular college there were alternative ways in which job descriptions were created and there wasn't always a personnel committee. The PS Committee removed the language referring to the the department personnel committee and made the language a little more general by saying the job description needs to be developed in consultation with the department and be periodically reviewed. If you have other language that you think would work without offending our deans, please send it to the committee.

Q: On line 128 it states that at the open meeting faculty may nominate names to appear on the ballot for an election, is that the only mechanism in which faculty can have their name brought forward?

A: There is nothing that restricts or restrains other mechanisms.

Q: Would the committee consider replacing regular or permanent faculty with tenure or tenure-track faculty, and replacing temporary or part-time faculty with lecturer faculty?

A: The committee will consider this.

Q: Has the committee considered situations in which external search might be requested by someone other than the department, such as the dean?

A: No, we haven't. We did substantially change the external search after one of the deans made suggestions. You may recall under the old policy external searches were only allowed after the regular effort to nominate a chair failed. There was never even an opportunity to have an external search until a department had failed in its effort to elect its own nominee. The committee moved the request for an external search earlier in the process so that a department could request an external search early on. I would think that a dean could, in discussion with the faculty in a department, let it be known that an external search would be viewed favorably. The reason external searches are not done more often is due to budgetary concerns, and they are usually never granted. I would think this would be an informal mechanism that would be very effective.

Senator Peter presented *AS 1647, Policy Recommendation, Rescinding and Replacing F97-7 on Privacy of Electronic Information (First Reading)*.

In 1997, the Senate passed a policy that tried to protect the privacy of email and other electronic information on campus. We were aware that there were some limits even then, including Freedom of Information Act Requests, Civil Litigation, and Criminal Investigations. Nevertheless, many companies were reading their employees emails at that time, so we passed this policy. Over the years these policies on other campuses have evolved and ours has not. We were asked to take a look at the policy and to revise it. In doing so the PS Committee drew on two important sources, including the AAUP and UC

policies. The AAUP has a policy paper on privacy of electronic information, and we also found a UC policy that was considerably more helpful than similar CSU policies. After crafting an elaborate policy, the PS Committee realized that the Senate did not represent all groups that would be subject to the policy on campus such as the staff. Therefore, the PS Committee invited the Chief of Staff and the Information Security Officer to work with the committee on a compromise. The compromise was that the PS Committee would craft a policy of a few key principles, while the President works on a Presidential Directive that gets into the minutiae of how this policy would be implemented. The key principles are that electronic information should rarely be searched, and when it is the circumstances should be clearly defined. Also, when searches are conducted the President needs to authorize it. Finally, records should be kept on searches, and when records are searched they should use the least perusal necessary. Also, whenever an investigation is finished the people whose records are searched should be notified. There should also be some instructional accountability and oversight.

Questions:

Q: Has the committee considered that when a faculty member leaves the university and has not completed grades for his/her students that department chairs have limited access and in our department we have had several students' grades compromised because of this. Is there a way the committee could consider this in recommendations for the Presidential Directive primarily to expedite things for students?

A: That is exactly the level of detail that would belong in the Presidential Directive as far as the division of labor. I'll pass that along.

Q: On line 24 you have a typo of protect and protects. Can the committee consider building in here language that consultation with faculty, staff, and students take place prior to the development of policy or procedures? What comes to mind is the development of the email standards that have come along and consultation at the front end would have been great.

A: The committee will consider it.

Q: In section 2.5, how might those individuals be selected and what might they do with that information they receive, and what might they be allowed to do with information they receive?

A: The committee could try and be more specific about that in the policy. Here is the issue, clearly the results of individual searches would not be appropriate to share with stakeholders. What we want to do is track over time the numbers and kinds of searches so that if we have a brand new President and one day the number of searches quadruples, we would want to notice that. There might be a good reason for it, but we would want to know that. The problem about stakeholders is that more than just faculty are involved. Some of the people that are most involved are members of the staff who are charged with conducting these searches, so we didn't want to be too prescriptive about who would be in the group, but wanted to be sure that at least some people representing the Academic Senate would be involved with this group. I guess I view this that when you are dealing with confidential information, you want to have one group with representatives from all the groups that might be concerned that could discreetly monitor what is happening. The

specifics have currently been left to the President to decide.

Q: Every year we receive a report on how many cases of Academic Dishonesty occur and it doesn't list the individual cases, but gives general information on the types of cases.

Maybe this could be used as a model for institutional accountability.

A: The committee will consider it.

Q: Would the committee consider using language stating that the university does not read the contents of any faculty member's email except as compelled to do so by law?

A: That is sort of what it says, whether it is compelled by Title IX, a civil suit, or the Freedom of Information Act, etc. Are you asking that the language that states, "except as required by law" be more specific?

A: Yes.

D. Organization and Government Committee (O&G) –

Senator Shifflett presented *AS 1629, Policy Recommendation, Concurrent Membership on Operating and Policy Committees (Final Reading)*. The Senate voted and AS 1629 was approved as written (33-0-4).

Senator Shifflett presented *AS 1621, Policy Recommendation, Department Voting Rights (Final Reading)*. Senator Peter presented an amendment that was friendly to the body to change Section 2.1 to read, "The faculty of a department vote on a number of matters, including those assigned to them through university policies and the Collective Bargaining Agreement...Changes to the curriculum of the department must be approved by the department's faculty according to the department's voting guidelines/bylaws as explained below" (35-0-0). Senator Khan presented an amendment to line 166 to strike the word "preliminary." The Senate voted and the Khan amendment failed (7-25-3). The Senate voted and AS 1621 passed as amended (30-3-2).

Senator Shifflett presented *AS 1635, Policy Recommendation, Selection and Review of Administrators (First Reading)*. This policy pertains to search and review committees for administrators including AVPs and Deans. This is a second first reading of this policy. This seeks to address concerns about the representativeness of selection and review committees for deans where members are elected. Three options were considered. The first option was after the nomination period and before the election to take a look at the pool, and if it is not representative go back out for additional nominations. The second option and the one the committee went with was to look at the nominations after the nominating period and if the pool is not representative enough, then the Provost will consult with the Executive Committee. One remedy the Executive Committee could recommend is to allow the Provost to add up to two additional faculty members. The third option was to look at the pool after the nomination period and after the elections to see if it is representative. The committee recommended option two.

E. University Library Board (ULB) – None.

IX. Special Committee Reports -- None.

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