I. Call to Order and Roll Call:

II. Approval of Minutes:
   Senate Minutes of March 13, 2017

III. Communications and Questions:
   A. From the Chair of the Senate
   B. From the President

IV. State of the University Announcements:
   A. Associated Students President
   B. Provost
   C. Vice President for Student Affairs
   D. Vice President for Administration and Finance
   E. Chief Diversity Officer
   F. Statewide Academic Senators

V. Executive Committee Report:
   A. Minutes of the Executive Committee –
      Executive Committee Minutes of March 6, 2017
      Executive Committee Minutes of March 20, 2017
   B. Consent Calendar –
      Consent Calendar of April 10, 2017
   C. Executive Committee Action Items –

VI. New Business:

VII. Unfinished Business:

VIII. Policy Committee and University Library Board Action Items (In rotation)
   A. University Library Board (ULB):

   B. Curriculum and Research Committee (C&R):
      AS 1651, Policy Recommendation, Research, Scholarship, and Creative Activity: Advisor-Student Relationship, Sponsored Projects, and Proprietary RSCA and Issues of Confidentiality (First Reading)
C. Instruction and Student Affairs Committee (I&SA):

AS 1648, Policy Recommendation, Graduate Student Revalidation of Courses that Exceed the 7-Year Limit (Final Reading)

AS 1649, Policy Recommendation, Registration Priority and Amendment A to S73-4 (First Reading)

AS 1650, Policy Recommendation, Undergraduate Honors Policy (First Reading)

D. Professional Standards Committee (PS):

AS 1530, Sense of the Senate Resolution, Requesting Changes in the System-wide Intellectual Property Policy (Final Reading)

AS 1647, Policy Recommendation, Rescinding and Replacing F97-7 University Policy on Privacy of Electronic Information (Final Reading)

AS 1646, Policy Recommendation, Selection and Review of Department Chairs (Final Reading)

E. Organization and Government Committee (O&G)

AS 1635, Policy Recommendation, Amendment A to S16-8, Selection and Review of Administrators (Final Reading)

IX. Special Committee Reports:

X. Adjournment:
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  

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  

ENGR Representatives:  
Present: Chung, Hamedi-Hagh  

I. 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 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.
Present: Peter, Shifflett, Schultz-Krohn, Mathur, Frazier, Lee, Feinstein, Faas, Kaufman, Kimbarow, Papazian, Perea, Wong(Lau), Blaylock, Riley 

Absent: Perea

1. The minutes of February 20, 2017 were approved as amended by Senator Shifflett and Senator Kaufman (14-0-0).

2. The consent calendar of March 6, 2017 was approved as written (14-0-0).

3. Election of Committee Chairs:
Chair Kimbarow will be sending an email to all operating committee/special agency chairs requesting that they conduct their spring elections for new chairs for next year by April 15, 2017. They will also be asked to provide the meeting dates and times for Fall 2017 so that faculty that wish to be on the committee will know if they can make the meetings. The elections of the committee chairs are needed early this year due to the change in the bylaws allowing for the seats to go at-large at an earlier date.

4. CIO Search Committee Update:
A faculty member on the CIO Search Committee resigned. The EC discussed and selected a replacement (14-0-0).

5. AVP Student and Faculty Success Search Committee:
The EC selected candidates from among the nominees received and recommended by the Provost (14-0-0). The Provost discussed problems that continue to arise with the nomination process, such as how to ensure diversity on the committee. The EC agreed to allow the Provost to add additional personnel as needed to ensure the diversity of the search and review committees.

6. Updates:

a. From the Organization and Government Committee (O&G):
Voting Rights for Faculty Policy:
O&G will be bringing the Voting Rights Policy for a final reading at the March 13, 2017 Senate meeting.

Selection and Review of Administrators Policy:
O&G will be bringing another first reading of the Selection and Review of Administrators Policy to the Senate at the March 13, 2017 meeting.

b. From the Professional Standards Committee (PS):
PS will be bringing the Consideration for Early Tenure for Previously Tenured Faculty Policy for a final reading to the March 13, 2017 Senate meeting. PS will also be bringing the Selection and Review of Department Chairs Policy as well as a policy rescinding F97-7, University Policy on Privacy of Electronic Information for first readings at the March 13, 2017 meeting.
c. From the Curriculum and Research Committee (C&R):
C&R will be bringing a final reading of the Internship policy to the Senate at the March 13, 2017 meeting.

C&R is working on additional referrals/policies including Research, Scholarship and Creative Activity (RSCA), Department Name Changes, Removal of WST prerequisite for graduate students.

Graduate Studies and Research is working on revising the learning goals to divide graduate and undergraduate programs prior to WASC.

d. From the Instruction and Student Affairs Committee (ISA):
I&SA will be bringing the Required Enrollment for Culminating Graduate Students, and the Graduate Student Revalidation of Courses that Exceed the 7-Year Limit policies to the Senate at the March 13, 2017 meeting.

I&SA is working on a revision to the Honors policy and is considering whether to include or exclude part time students. In addition, as a result of impaction most of our students qualify by GPA to receive honors at entrance. This has significantly decreased the value.

e. From the President:
President Papazian will be out of town and not available for the March 13, 2017 Senate meeting as well as the next Executive Committee meeting on March 20, 2017.

The Board of Trustees will be holding a vote on tuition increases. President Papazian will bring back details when she returns from out of town.

The VP of Innovation and Research will oversee the AVP of Research.

f. From the Provost:
The Provost discussed the importance of Research, Scholarship, and Creativity Activities (RSCA) and its impact on our campus. He asked for input on the possibility of a new VP for Research and Innovation that would support the strategic development and implementation of research and innovation. He asked for input regarding increasing senior leadership on the campus and explained the current Office of Research structure.

g. From the Vice President of Student Affairs:
Admitted Spartan Day is Saturday, April 8, 2017.

h. From the Vice President of Administration and Finance:
The budget process for 2017-2018 is underway.

i. From the Chief Diversity Officer (CDO):
The CDO has hired a new staff member—Fernanda Perdomo-Arciniegas.

Twenty-six people on campus, mostly Associate Deans, have been trained on Title IX.
From the Senate Chair:
At the March 13, 2017 Senate meeting there will be a 15-minute break and short presentation by the Spartans Supporting Spartans Campaign.

The meeting adjourned at 1:34 p.m.
Executive Committee Meeting  
March 20, 2017  
12-1:30, ADM 167

Present: Peter, Shifflett, Schultz-Krohn, Mathur, Frazier, Lee, Feinstein, Kaufman, Kimbarow, Perea, Blaylock, Riley

Absent: Papazian, Wong(Lau), Faas

1. The minutes of March 6, 2017 were approved (12-0-0).

2. Updates from the Administrators:

   a. From the Provost:
      The Dean of Humanities and the Arts search process has commenced with the solicitation of individuals to serve on the search committee. No decision has been made yet on an interim dean. However, an interim dean will be appointed effective July 1, 2017.

      This year we are in better shape from a planning perspective than previous years. Charlie Faas has instituted a rolling three-year budgeting process which has considerably improved our ability to plan. Provost Feinstein will be focusing funding requests on student success and RSCA.

      Provost Feinstein attended the Records Clearance Event on Friday. There was a group of ~25 law students from Columbia University and our students working to clear records for 21 individuals. It gave our students a chance to work with students from a top law school.

      The committee discussed graduation rate changes. Feinstein expressed concern about our 4- and 6-year rates for next year as they are based on a class that arrived in fall 2013. The 6-year rate will be based on the fall 2011 cohort. These cohorts were not as strong as more recent cohorts and may impact our rates negatively.

Questions:
A member expressed concern that there is some obsolete data on the university website. Provost Feinstein suggested sending him an email with the information that needs updating.

A member asked about what would be done with regards to the Hammer Theatre now that Dean Vollendorf would be leaving. The Provost will meet with VP Faas and COS Jaye Bailey to make sure it has proper oversight.

A member asked about Research, Scholarship and Creative Activity (RSCA). AVP Stacks is reviewing how we use assigned time. This is where a new VP of Research and Innovation position could be very helpful in moving along these types of issues. The Provost spends roughly $1 million a year on RSCA. AVP Stacks is working on ensuring that all colleges measure RSCA performance.

A member asked if there was any progress on moving to a 3/3 class load. The committee discussed how SDSU moved to a 3/3 load by exploding class sizes. However, classrooms
at SDSU have been built large enough to support larger classes. It is left up to the departments to determine whether they will go with the larger classes.

A member asked how we are doing with regard to tenure density. We are at ~54%. The Provost hires 60 to 70 new faculty members each year, but retirements and other turnovers reduce the total each year.

A member asked if the Provost would be giving departments additional funding to meet the increase in student assistant salaries to match the minimum wage that the city of San José will be paying employees which jumps to $13.50 an hour on January 1, 2018 and $15 an hour on January 1, 2019. Provost Feinstein will be reviewing these costs.

A member asked if using instructional student assistants was being discussed. Provost Feinstein indicated that if they are to be used, the program would have to be well managed with proper oversight.

b. From the Vice President of Student Affairs (VPSA):
Students are planning a walk out to protest against the proposed tuition fee increase starting at the Tommy Smith and John Carlos statues at noon on Tuesday, March 21, 2017.

The Just in Time Mobile Food Pantry will be at the Event Center on April 10th and May 8th.

There were 24 student inquiries for assistance during the recent floods for temporary housing, financial aid, and emergency monetary awards.

A total of 191 students have requested assistance through the SJSUCares website asking for counseling, medical referrals, grants, etc. A member asked how faculty are informed about this website? It is in the Student Affairs Newsletters. A member suggested including it as an update in the "Red Folder" that is automatically downloaded to all faculty and staff desktops.

There are two opportunities each week for students to sign up for Calfresh on campus. They can signup every Monday from 9 a.m. until noon at Student Involvement, or every Tuesday from 1 – 2:30 p.m. at the Financial Aid and Scholarship Office.

VP Blaylock announced that AS President Hector Perea has been accepted into the graduate program and NYU. The committee congratulated President Perea.

There is a new search going on for a case manager for the Economic Crisis Response Team. The first search was a failed search.

There are 15 food shelves on campus.

c. From the AS President:
Many members of the AS Board of Directors will be attending the Board of Trustees meeting Wednesday, March 22, 2017 to express their concern about the student tuition increase.

AS has 42 students running for 16 positions on the AS Board of Directors for next year. AS Elections will take place during the week of April 10 through April 13, 2017.
d. From the CSU Statewide Senator:
The CSU Statewide Senate expressed support for DOKA.

Senators Sabalius and Filling were forwarded to the Governor as nominees for the Faculty Trustee seat on the Board of Trustees.

3. The committee discussed the CSU GE Proposal. Campus feedback is due June 16, 2017. Chair Kimbarow will resend the memo and response form today.

4. The committee discussed the CSU Intellectual Property policy draft. There is concern about the CSU policy superseding all campus policies. The CSU Systemwide policy refers to extraordinary support that embraces assigned time. It could weaken patent and intellectual support. In the proposal it says it will require collective bargaining agreement reopening. In addition, there is concern that teaching syllabi become the property of the CSU. The committee discussed crafting a Sense of the Senate Resolution. Senators Mathur and Peter will prepare a resolution for the Executive Committee to be presented to the Senate by the May 1, 2017 meeting.

5. The committee discussed the Selection and Review of Administrators policy. The initial proposal by O&G will be modified to better match current practice with regard to soliciting nominations. The call for nominations is handled by the Provost Office, not the AVC/Senate Office.

The committee discussed how to create diverse representation on these committees. The committee also discussed whether there was a need to have faculty demonstrate in their statements that they have experience in a diverse environment. The committee discussed community members on search/review committees. The committee agreed a community member could be very helpful in some instances. The committee agreed that search and review committees should be clearly informed about what their roles and responsibilities are when the committee is charged. A suggestion was given to the Provost to develop guidelines that could be handed out to the committee members.

6. Updates from the Policy Committee Chairs:
   a. From the Chair of the Professional Standards Committee (PS):
The PS committee will not be bringing the Information Privacy policy back to the Senate for a final reading until the President’s Office drafts their Presidential Directive.

   The PS committee is working its way through the RTP guidelines from departments.

   b. From the Chair of the Instruction and Student Affairs Committee (ISA):
The I&SA committee will be bringing an Honors proposal to the Senate at the next meeting. The policy will allow a group of people to apply the same as individuals for honors on their transcripts. Students could get an Honors designation for particular classes, and Honors in GE would be allowed under this policy.

   c. From the Chair of the Curriculum and Research Committee (C&R):
The C&R committee received five pages of feedback regarding the RSCA policy. C&R has also sifted through the Program Planning policy and is now reviewing the guidelines. C&R is also working on a Department Name Change proposal.
7. The meeting adjourned at 1:30 p.m.

These minutes were taken and transcribed by the Senate Administrator, Eva Joice on March 23, 2017. The minutes were edited by Chair Kimbarow on March 23, 2017. The minutes were approved by the Executive Committee on April 3, 2017.
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Sense of the Senate Resolution
Requesting Changes in the
System wide Proposed Intellectual Property Policy

Whereas, The CSU central administration has drafted a proposed intellectual property policy to be implemented system wide, and have requested “input and feedback no later than 60 days from” March 14, 2017; and

Whereas, The Academic Senate of SJSU has reviewed the draft policy; now therefore, be it

Resolved, That the ASCSU and the CSU should be apprised of our deep concerns with both the process used to create the proposed system policy and with a number of features present in its content; we have explained these concerns and our conclusions in the attached white paper; be it further

Resolved, That this resolution be distributed to the Chancellor, to the Executive Vice Chancellor and General Counsel, the Executive Vice Chancellor for Academic and Student Affairs, to the ASCSU, and to all campus Academic Senates.

Approved: April 5, 2017 by email after a 7-0-1 in-person committee vote on an earlier draft

Vote: 8-0-2

Present: Peter, Green, White, Lee, Kauppila, Hamedi-Hagh, Hwang, Reade, Marachi, Caesar

Absent: None
White Paper:
Faculty Intellectual Property at SJSU
and the CSU Proposed System IP Policy

Concern with Process

1) An abrogation of collegiality. The report acknowledges that 16 campuses have intellectual property policies of their own. The replacement of these 16 policies with a system wide policy may seem rational from the perspective of Long Beach, but we see it as an assault on collegial governance. Each campus policy, including our own, was written, debated, and amended through a collegial governance process featuring faculty, prior to being signed by our campus Presidents.

The proposed system policy that would replace these collegial documents, however, was not created in a collegial fashion. It was written by 16 administrators who have excluded faculty input prior to this 60 day window (p. 5). Furthermore, no effort was made to involve each of the 16 campuses that have their own policies. SJSU, in the heart of the most important region in the world for the creation of intellectual property, was completely unrepresented on the IP Committee by faculty or administration.

The proposed system policy on intellectual property will abrogate collegial agreements between faculty and administration that have been carefully debated and negotiated over a period of years. For an entire issue-area, it replaces previous traditions of collegial governance with administrative authority. This is especially disturbing given that the American Association of University Professors (AAUP), notes that the “keys to proper intellectual property management are consultation, collaboration, and consent.”

2) The false restriction based on collective bargaining. From time to time we have received intimations that the reasons the collegial process was so badly abrogated had to do with collective bargaining. We hesitate to explain the CSU’s position on this since our campus has not been offered a detailed rationale from the CSU for its actions. The theory—or rumor—that we have heard is that the CSU believes that items that are possibly subject to collective bargaining cannot be discussed through the collegial governance system. Furthermore, the current CBA does possess an article—39—which discusses some (but far from all) aspects of Intellectual Property.

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If this is in fact the CSU’s position, it should rethink it. HEERA does set up a division of labor between collective bargaining and collegial governance, but that division of labor can in no way be thought to restrict the role of academic senates on this issue. The 16 campus policies on Intellectual Property have all existed for many years under the collective bargaining agreement, including during the time that article 39 has been in effect, and this provides *prima facie* evidence that article 39 and policies crafted by Academic Senates can indeed coexist. If in fact some of the policies are not in conformity with article 39, then CFA can be relied upon to point out the non-conforming policies so that the affected campuses can take corrective action.

The report of the CSU Intellectual Property Committee itself points out the fallacy in the argument that collective bargaining somehow rules out full senate consultation. As it describes article 39 in its section on “Need for Labor Negotiations” (p. 9) it points out that the article only concerns certain narrow and specific provisions related to intellectual property. The draft policy (and we might add our campus policies) address a vast range of issues unrelated to article 39. To rule out collegial governance on an entire issue area merely because a narrow part of that area has been bargained is unreasonable.

Furthermore, the CBA and collegial governance already work in an integrated fashion on a wide range of topics including (most especially) appointment, retention, tenure, and promotion. The fact that the CBA sets a few parameters on ARTP issues has never been taken as an excuse to suppress collegial governance on those vital policies. Why then would similar parameters be used to suppress full collegial participation on intellectual property? If every topic area mentioned in the CBA were off limits to collegiality, then there would be very little collegiality left indeed.

Fortunately, we suspect that this unreasonable argument that the CSU is alleged to have made is in fact little more than rumor. The CSU, after all, has decided to allow the ASCSU to comment on the proposed policy, which seems to be an admission that collective bargaining does not in fact rule out the full operations of the collegial governance system. We choose to accept this interpretation of the actions of the CSU, and proffer this paper as our own collegial response to the proposed policy.

**Concern with Content**

We have spent some time comparing the proposed policy with our own policy and with the UC policy. Given the short time frame for providing feedback, we cannot claim to have done a careful analysis. However, we have noticed several provisions that we believe will weaken the protection of intellectual property for faculty compared with some campus and UC policies.
1) **Definition of Extraordinary Support excessively broad.** With all of these policies, the absolute crux of the matter comes down to how “extraordinary support” is defined. The reason for this is that all IP policies give ownership of IP rights to the author (usually faculty) unless the CSU provides “extraordinary support,” in which case the CSU will claim some level of ownership.

The proposed policy’s definition of “Extraordinary Support,” however, is overly broad. It

may include, but not be limited to, funding for additional employment, assigned time and other forms of payment, additional operating expenses or additional equipment or facilities costs.” (p. 14.)

This is an expansive definition that does not establish limits on the term. We are particularly concerned that the inclusion of “assigned time” would result in classifying a preponderance of faculty intellectual property as subject to the “extraordinary support” provision. IP developed on sabbaticals, for example, or nearly any IP produced at campuses that have achieved a 3/3 load (such as SDSU), or by junior faculty who have been given a course release(s) to get started, or by anyone else who has earned a release from a 12 WTU load—could be subjected to this overly broad definition of extraordinary support. This definition needs to be rewritten to exclude all these routine uses of assigned time.

Compare this excessively broad definition with the UC definition:

**Exceptional University Resources** University Resources (including but not limited to University Facilities and University Funds, as described below) significantly in excess of the usual support generally available to similarly situated faculty members. Customary secretarial support, library facilities, office space, personal computers, access to computers and networks, and academic year salary are not considered exceptional university resources.²

This definition is narrow, and it takes pains to explain what exceptional resources are NOT. The definition “significantly in excess of the usual support generally available to similarly situated faculty members” is a far more reasonable definition than “assigned time or other forms of payment” that takes no account of whether such time is routine or truly exceptional.

2) **University’s license to course materials created without extraordinary support is too broad.** In both the UC policy and in the CSU proposed policy, the faculty member retains copyright to Course Approval Documents and Course

² [http://copyright.universityofcalifornia.edu/resources/ownership-course-materials.html](http://copyright.universityofcalifornia.edu/resources/ownership-course-materials.html)
Instructional Materials. In the UC policy, the UC gets license to use the approval docs for educational purposes; the CSU version extends this license to the actual course materials. This is a huge difference and a very troubling one. We believe that the UC policy makes the proper distinction and the CSU proposed policy is too broad in its claim to a permanent free license to faculty instructional materials.

The AAUP statement on intellectual property makes this distinction clear, and while the UC IP policy conforms to the AAUP statement, the CSU proposed policy does not:

Course syllabi at many institutions are considered public documents; indeed, they may be posted on universally accessible websites. It is thus to be expected that teachers everywhere will learn from one another’s syllabi and that syllabi will be disseminated as part of the free exchange of academic knowledge.

Faculty lectures or original audiovisual materials, however, unless specifically and voluntarily created as works made for hire, constitute faculty intellectual property.3

The CSU, however, asserts a very broad claim that “CSU Course Instructional Materials include documents, digital products, or other materials developed for instruction of CSU courses,” and while copyright resides with the Author, the CSU retains a free-of-cost, perpetual and nonexclusive worldwide license to use the Course Instructional Materials for research and educational purposes, including without limitation the right to reproduce, prepare derivative works, distribute, perform and display the Course Instructional Materials (p.12.)

The CSU assertion means, in our view, that lectures, lecture notes, lecture presentations (e.g., PowerPoint, Keynote), recordings of our lectures, online courses as a whole, and other materials prepared by a CSU Professor to teach his or her section, could permanently be used by the CSU free of charge, long after a faculty member departed, retired, or died—or could be taken involuntarily from one faculty member and shared with others at other campuses. The CSU should return to the more limited language of the UC policy and the AAUP statement on intellectual property.

3) **Written agreements should cover the ownership of intellectual property (including course materials) created with extraordinary support.** In the UC policy, faculty get to reach agreement with the university about how ownership

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will be handled when there is Extraordinary Support. In the CSU policy, rights are automatically transferred to the CSU and the faculty member MAY be granted license for educational use. According to the CSU proposed policy,

Ownership of CSU course materials (including Course Approval Documents and Course Instructional Materials) created with CSU Extraordinary Support, including copyright, resides with the University” (p. 12).

Now compare with the UC Statement:

Ownership of the rights to Course Materials created, in whole or in part, by Designated Instructional Appointees with the use of Exceptional University Resources shall be governed by a written agreement entered into between the Originator(s) and the University. The agreement shall specify how rights will be owned and controlled and how any revenues will be divided if the materials are commercialized.\(^4\)

We were particularly chagrined to learn that the AAUP cited a CSU Long Beach administrative memo protecting faculty ownership of materials developed for online instruction as an exemplar of resistance to the “emerging pattern of coopting the faculty’s instructional intellectual property.”\(^5\) Presumably that model campus policy at CSULB will be swept away by the system policy.

We believe that an IP policy should make it clear that any surrender of faculty IP rights to the University—even when extraordinary support is given—should be made in writing and in advance to avoid misunderstanding, confusion, and litigation down the road. UC policy gives this right, but the proposed CSU policy does not.

4) **Response to Bayh-Dole Act is excessive.** The CSU draft proposal notes that the requirements of the Bayh-Dole Act allow universities to patent federally-funded inventions and to retain those royalties. However, the draft CSU policy goes further:

we recommend the adoption of the obligations required under the Bayh-Dole Act as a reasonable set of objectives for the CSU to apply to all inventions whether or not they are federally funded (p. 7).

Although the expansion to include inventions that are made with university resources may be considered reasonable by some, it is not clear how faculty will

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4 [http://copyright.universityofcalifornia.edu/resources/ownership-course-materials.html](http://copyright.universityofcalifornia.edu/resources/ownership-course-materials.html)

be involved with the determination of ownership of their own inventions. In
contrast, the AAUP clearly states

Universities...have tried to claim that the only way they can
guarantee that faculty members will honor these responsibilities
[under Bayh-Dole] is by taking ownership of all faculty inventions,
but obviously there are contractual alternatives to what amounts to
a wholesale institutional grab of significant developments of faculty
scholarship. Indeed, faculty members have long been able to
honor these requirements without assigning their intellectual
property rights to the University.\textsuperscript{6}

Furthermore, the landscape for faculty intellectual property rights changed as a
result of the 2011 Stanford v. Roche decision.

The US Supreme Court...in its landmark 2011 decision in Stanford
v Roche...firmly rejected the claims by Stanford and other
institutions favoring federally sanctioned, compulsory university
ownership of faculty research inventions.\textsuperscript{7}

Indeed, AAUP drives home that the US Constitution, Federal Patent Law, and
the above-referenced Supreme Court ruling all hold that “inventions are owned
initially by their inventors,” and moreover, Bayh-Dole “does not alter the basic
ownership rights granted to inventors by law.”\textsuperscript{8} We believe that this aspect of the
IP policy should make clear that inventions can be created by faculty in many
ways (without university facilities, in conjunction with a non-federal sponsor) and
that faculty ownership as determined by campus policies should be retained or
negotiated in instances when inventions are created without federal support or
with university resources. The decision to craft a CSU system policy that
extends a claim of ownership beyond federally funded research is not required by
law and stands on shaky legal ground since Roche.

5) \textbf{Scrutinize the proposed policy with an eye to incorporate the AAUP
“Intellectual Property Principles Designed for Incorporation into Faculty
Handbooks and Collective Bargaining Agreements.”} The AAUP has spent
years perfecting 11 principles that should govern intellectual property at
universities. Any policy on IP could benefit from a careful and thoughtful edit to
incorporate these 11 principles. The principles can be read in full at the
conclusion of the cited AAUP article.\textsuperscript{9} A few highlights of these principles
include:

11. Faculty assignment of an invention to...the university...will be
voluntary and negotiated, rather than mandatory.

\textsuperscript{6} AAUP, “Defending...” p. 6.
\textsuperscript{7} AAUP, “Defending....” p. 6
\textsuperscript{9} AAUP, “Defending....” pp. 17-19.
12. The faculty senate or an equivalent body will play a primary role in defining the policies...that will guide university-wide management of inventions...

13. Just as the right to control research and instruction is integral to academic freedom, so too are faculty members' rights to control the disposition of their research inventions.

15. When lifesaving drugs and other critical public-health technologies are developed in academic laboratories...the university...will ensure broad public access in both the developing and the industrialized world.

16. ...The freedom to share and practice academic discoveries...whether legally protected or not, is vitally important for the advancement of research and scientific inquiry.

17. The university...and faculty will always work to avoid exclusive licensing of patentable inventions....

A group of faculty experts in intellectual property should be given sufficient time to scrutinize the proposed CSU policy to determine any changes that are needed to bring it up to the AAUP standards.

Conclusions

The CSU draft proposal on intellectual property weakens existing protections of faculty IP rights and does not measure up in quality to the standards enumerated by the AAUP or even UC system policy or existing campus policies. The proposal is not a policy that faculty would have written or assented to, had they been permitted to be a part of the drafting process.

The CSU, however, should be concerned about this proposal not only because faculty are incensed. The CSU is attempting to improve its stature in research, but the promulgation of a policy that is hostile to faculty IP rights will likely drive our most successful researchers out of the academy altogether or to other institutions that have more flexible policies regarding intellectual property. In order to generate more research dollars, the CSU needs to make itself more attractive to research faculty, not less attractive. Tightening the rules to pinch every penny will drive the dollars away.

In an effort to be as constructive as possible under the circumstances, we suggest:

1) A modified version of the proposed system IP policy should be distributed as a model to the campuses. Each campus that lacks an appropriate IP policy should be required to create or amend a one to bring it up to standards by the end of AY 2017-18. Failure to do so could result in the issuance of the draft system policy as a Presidential Directive on that campus. This would allow the collegial governance system to function, allow for substantive faculty input, protect local differences in the research enterprise, and also secure most of the stated objectives of the reform.
2) If a system wide policy must be adopted, then the SJSU Academic Senate recommends that the draft policy not be immediately adopted. Instead, it should be rewritten with the participation of faculty from throughout the CSU system, and then not adopted until endorsed by the ASCSU.
Policy Recommendation
 Modification of Policy on the Selection and Review of Administrators (S16-8)

Legislative History: Modifies S16-8 to allow for the participation of lecturers and tenure track faculty on the search and review committees for academic Deans; college-wide election of all faculty representatives; and clarifies how selection and review committee chairs are determined.

Whereas: The selection and review of academic deans is important to all faculty in a college, and
Whereas: Current policy provides seats on selection and review committees for only tenured faculty, and
Whereas: Tenure track faculty and lecturers may be interested in serving on search and/or review committees for their academic dean, and
Whereas: At SJSU we are committed to diverse and inclusive representation including identity, demographics, expertise, and experience, therefore, be it

Resolved That S16-8 be modified as provided for in this policy recommendation.

Rationale: All faculty have the opportunity to participate in the review and selection of academic deans through solicited input. In addition, faculty should have, without hindrance, opportunities for direct involvement in the search and review process for administrators. However, providing the faculty in each college with the option to elect any faculty member who is interested in serving on a selection or review committee, permits each college to select from among all its faculty, members the representatives they would like to have serve on a selection or review committee for academic Deans. In addition, language was provided to better enable constitution of diverse search/review committees and to reinforce the importance of confidentiality throughout the search/review process.

Policy modifications focused on procedures were designed to increase the likelihood of the inclusion of diverse voices on search and review committees for administrators. In the review process we considered issues surrounding diversity, equity, and inclusion.
For these principles to be realized, efforts need to be made to include the full breadth of voices of the campus community, with attention to those who are often absent or silenced, and to ensure that norms in committee deliberations allow all voices to inform the decision-making process.

Approved: 4/3/17
Vote: 6-1-1
Present: Bailey, Boekema, Higgins, Ormsbee, Shifflett, Tran, Rajkovic, Laker
Absent: Grosvenor, Hart
Financial Impact: None expected
Workload Impact: No change from current situation.
Selection and Review of Administrators

1. Academic Administrator and Vice President Searches and Appointments

1.1 Applicability

This policy applies to searches for and reviews of Management Personnel Plan (MPP) administrators who serve university-wide as vice presidents and those within the Academic Division including the provost, deputy provost, deans and all other associate vice president or equivalent positions. Where not otherwise specified, the words ‘academic administrators’ as used in this policy means all those in the Academic Division.

1.2. Vacancies and Initiation of Procedures

As soon as practical after it is known that a vacancy has occurred or will occur in any of these positions, the President (for all vice presidents) or the Provost (for all other offices) shall cause a selection committee to be formed in accordance with these procedures.

1.3 Composition of Search Committees

Committees shall be large enough to allow for sufficiently broad representation, yet small enough so as not to be unwieldy. When feasible, an odd number of voting members will be appointed to eliminate the possibility of tied votes. Faculty, students, administrators and staff shall be represented. Consideration should be given to representation of the diversity of the campus. Faculty shall comprise a majority on all search committees for administrators in the academic affairs division and at least one-third of other committees. If appropriate, alumni and community representatives may serve on search committees.

1.3.1 Special Procedures for Deans of Academic Colleges: The search committees for college deans shall be composed of nine members: five faculty (tenured, tenure track, lecturers), at least four of whom are tenured, and at least two who are chairs, all elected by and from the college faculty (no more than two from any department); one staff member, elected by the staff of the college; one student, one Dean (from outside the college searching for a Dean), and one member of the community or an SJSU administrator (MPP), each designated by the Provost. The faculty committee chair shall be appointed by the Provost.

1.3.1.1 Recruitment Procedures

Recruitment of the faculty and staff members shall be arranged and conducted by the office of the provost. Associate Vice Chair of the Senate through normal committee on committees processes. Interested faculty and staff will submit written statements to their college office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.
Each chair is expected to encourage faculty and staff from their department to serve on the search committee so that the resulting ballots, as best as possible, reflect the diverse nature of the programs, students, and faculty in their college and the campus.

1.3.1.2 Election Procedures

The Senate office will forward the statements of each candidate to the college office so they will be distributed to faculty and staff by the college office.

1.3.1.2.1 Elections for the faculty representatives from the college shall be arranged and conducted by an ad hoc election committee comprised of all-department chairs not on the ballot in that college.

The ballot will be constructed by college staff to enable faculty to vote for five faculty including at least two chairs. Faculty receiving the most votes, taking into consideration tenure status, department, and the need requirement for at least two department chairs, shall be appointed to the committee by the Provost.

1.3.1.2.2 Election of the staff representative will be arranged and conducted by staff in the college office who are not on the ballot.

1.3.1.3 Appointment Procedures

1.3.1.3.1 Student: Each department in the college shall nominate one student from its majors. The Provost shall appoint, from among those nominated, one student as a committee member.

1.3.1.3.2 Dean and either a Community member or SJSU Administrator and: The Provost shall appoint members who have experience or expertise relevant to one or more of the programs in the college and who understand our commitment to diversity and inclusion, and/or the position of Dean.

1.3.1.3.3 Faculty/Staff: Following the conclusion of college elections for faculty and staff representatives, the Provost shall appoint those elected to the search committee.

1.3.1.3.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent to which the committee it is a representative group. The review may include, though it is not limited to, representation of the programs in the college and the composition of the committee with regard to identity, demographics, expertise, and experience, gender and ethnicity.
If the membership appears insufficiently representative, the Provost shall consult with the Senate’s Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.3.2 Special Procedures for the Dean of the University Library. The search committee shall be composed of nine members: three faculty librarians selected by and from the faculty librarians; one Library staff member, selected by the staff of the university library; one department chair from outside the library; one faculty member (not a chair) from outside the library; one student, one Dean (from outside the Library), and one member of the community, each designated by the Provost. The faculty committee chair shall be appointed by the Provost.

1.3.2.1 Recruitment Procedures

Recruitment of the faculty, student, and staff members shall be arranged and conducted by the office of the provost. Associate Vice Chair of the Senate through normal committee on committees processes. Interested Faculty, students, and staff will submit written statements to the library Dean’s office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.

1.3.2.2 Election Procedures for Library Faculty and Staff

The Senate office will forward the statements of each candidate will be distributed to faculty and staff by the Dean’s staff.

Elections for the faculty and staff representatives from the Library shall be arranged and conducted by staff in the Dean’s office who are not on the ballot.

1.3.2.3 Appointment Procedures

Student, Faculty (outside library) and Department Chair: By mutual consent with the Senate Executive Committee, the Provost shall appoint members from among those who applied.

Dean and a Community member and: The Provost shall appoint members who have experience or expertise relevant to our joint library and/or the position of Dean and who understand our commitment to diversity and inclusion.

Library Faculty and Staff: Following the conclusion of library elections for faculty and staff representatives, the Provost shall appoint those elected to the search committee.

1.3.2.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent
to which the committee it is a representative group. The review may include, but is not limited to, representation of the programs in the library and the composition of the committee with regard to identity, demographics, expertise, and experience.

If the membership appears insufficiently representative, the Provost shall consult with the Senate’s Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.3.3 Special Procedures for the Dean of International & Extended Studies (IES). The search committee shall be composed of nine members: five faculty (inclusive of two department chairs); two IES staff members, selected by the staff of IES; one Dean (from outside IES), and one student, each designated by the Provost. The faculty committee chair shall be appointed by the Provost.

1.3.3.1 Recruitment Procedures

Recruitment of the faculty, student, and staff members shall be arranged and conducted by the office of the provost. Interested Faculty, students and staff will submit written statements to their Dean’s office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.

1.3.3.2 Election Procedures for IES Staff Member

The Senate office will forward the statements of each candidate to the college office so they can will be distributed to staff by the college office.

Elections for the staff representatives from IES shall be arranged and conducted by Dean’s office staff who are not on the ballot.

1.3.3.3 Appointment Procedures

Selected members should exhibit clear evidence of understanding IES, a history of engagement with the programs and activities of IES, and an understanding of our commitment to diversity and inclusion.

Student and Faculty: By mutual consent with the Senate Executive Committee, the Provost shall appoint members from among those who applied.

Dean: The Provost shall appoint this person.
IES Staff: Following the conclusion of elections for staff members, the Provost shall appoint those elected to the search committee.

1.3.3.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent to which the committee it is a representative group. The review may include, but is not limited to, representation of the programs in the college and the composition of the committee with regard to identity, demographics, expertise, and experience.

If the membership appears insufficiently representative, the Provost shall consult with the Senate’s Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.4 Recruitment and Selection of Committee Members

1.4.1 Recruitment. Except as provided in 1.3.1, 1.3.2, and 1.3.3 above, an open nomination process for potential members for search and review committees shall be used. The office of the President or the Provost shall publish notice of intention to appoint a search committee and shall solicit written statements either in hard copy or electronically for membership on the committee from the University community. Nominations (including self-nominations) must include a statement of reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion. The statement will also include inclusive of their understanding and commitment to diversity and inclusion, and the nominee’s include the signed or electronic consent to serve by the published nomination deadline.

1.4.2 Selection. Except as provided in 1.3.1, 1.3.2, and 1.3.3 above, committee members shall be selected, from among those nominated, by mutual consent of the President and the Senate Executive Committee. They shall consider the need for a representative group, including but not limited to academic discipline, identity, demographics, expertise, and experience.

If the pool of nominees appears insufficiently representative, the President or Provost and the Senate’s Executive Committee shall determine how best to improve the representativeness of the appointed committee members. This could include the appointment of up to two additional members outside the pool of nominees to further diversify the committee.

If the President and the Executive Committee cannot arrive at mutual agreement, the President (or Provost, if the search is not for a vice president) shall confer with the chair of the Senate to attempt to arrive at a mutually satisfactory course of action. Failing that, the President or Provost shall appoint the membership. The President or Provost shall select the committee chair from the committee membership.
1.5. Scope and Procedures

The President or Provost shall determine the scope and procedures of the search process in consultation with the committee. The scope and procedures of the search, the target date for the report, the minimum requirements for candidates, the qualifications of the expected finalists, and other matters relating to the selection process should be discussed. The scope of the search shall always be as wide as feasible under the circumstances and shall be conducted in accordance with the University's policies and procedures on equal opportunity and diversity. Likely candidates must be interviewed. Provisions should be made for the campus community to meet the candidates. The deliberations and recommendations of the committee shall be confidential. Concerns regarding unethical conduct, inclusive of breaches of confidentiality, must be reported to the Provost or President. Unethical conduct will result in dismissal of the committee member by the Provost or President.

1.6. Committee Recommendations

At the conclusion of its search, the committee shall report to the President or Provost, without ranking, the names of the best-qualified candidates. The President or Provost shall meet with the committee to discuss its recommendations. The search committee's records shall be turned over to the President or Provost with its report. Upon delivery of the committee's report to the President or Provost all committee records shall be destroyed.

1.7. Action by the President

The President or Provost may appoint any person recommended by the committee. If the President or Provost decides not to appoint, or is unable to appoint, any of the recommended candidates, the President or Provost may ask the committee to extend the search, or the President or Provost may consult with the Senate Executive Committee regarding appointment of a new selection committee for a new search, consistent with the provisions of this policy.

1.8. Interim Appointments

An interim appointment occurs when a position covered by this policy has or will be vacated and there is insufficient time or it is otherwise impractical to complete the normal search process explained above. The President or Provost, in consultation with the elected members of the Senate Executive Committee, may make interim appointments.

Alternatively, at the discretion of the President or Provost, the selection process for an interim appointee may utilize a selection committee wherein the interim position is announced campus-wide and interviews are held. While there is no requirement to announce the position off-campus, such announcement is not prohibited. The search committee must be no smaller than three people and will be selected by the President or Provost in consultation with the elected members of the Senate Executive Committee. Interim appointments usually are for a period of one year, unless a different
period is specified at the time of the appointment. An interim appointment may be renewed or extended by the President or Provost as needed in consultation with the elected members of the Senate Executive Committee.

1.9. Acting Appointments

The title "acting" (e.g., acting dean) shall be applied to an individual who is designated to act on behalf of an administrator covered by this policy, who is on a short-term absence (illness, vacation, etc.), on leave, or has left his/her position on extremely short notice. The President or designee in consultation with the elected members of the Senate Executive Committee may make an acting appointment. In an emergency or when the Senate Executive Committee is not available, acting appointments may be made by the President or Provost in consultation with the Chair of the Academic Senate. Acting appointments usually are of short duration, lasting until either the incumbent returns or an interim appointment can be made according to the procedures described in this policy. In unusual circumstances, an acting appointment may be renewed or extended by the President or Provost in consultation with the elected members of the Senate Executive Committee.

2. Reviews of Administrators

2.1. Timing of Review

If the incumbent wishes to continue in his or her position beyond the sixth year, a review of the incumbent shall be initiated according to the provisions of this policy in the second semester of the fifth year of an incumbent's term. The review shall be concluded by the beginning of the sixth year of the incumbent's term. The President may at any time initiate an interim review.

2.2. Appointment and Composition of Review Committee

For all offices covered by this policy, a review committee shall be appointed and constituted in accordance with the procedures specified in Part 1, Sections 1.3 and 1.4 of this policy. The Provost shall not be eligible to serve on committees to review academic administrators.

2.3 Criteria for Review

The review committee, in consultation with the President (for vice presidents) or the Provost (for all other offices), shall specify the criteria for evaluating the incumbent’s job performance, based upon the incumbent’s job description, goals and recommendations arising from prior performance reviews (when such has occurred), and the function of the particular administrative office. The incumbent shall be asked to examine the criteria developed and to make such comments or suggestions as may seem advisable.

2.4 Procedures for Review
The review committee, in consultation with the President (for all Vice Presidents) or the Provost (for all other offices), shall develop procedures for conducting the review. The procedures shall be designed to secure (a) appropriate information, which can include performance goals set by the appropriate administrator and (b) appraisals of performance from as many persons as may be feasible who are knowledgeable of the incumbent’s duties and performance. In addition, available data for the time period of the review should be analyzed as appropriate for the position (such as data on FTES, FTEF, class size, graduation rates, and fundraising). If he/she so desires, the incumbent shall be given an opportunity to provide the review committee with a self-evaluation based upon the criteria developed by the committee. The opinions and judgments received by review committees, the deliberations and reports of such committees, and any accompanying materials, shall be confidential. Concerns regarding unethical conduct, inclusive of breaches of confidentiality, must be reported to the Provost or President. Unethical conduct will result in dismissal of the committee member by the Provost or President.

2.5. Report of the Review Committee

2.5.1 The review committee shall consult with the President (for all vice presidents) or the Provost (for all other offices) before drafting its report. Following that consultation, and at the conclusion of its evaluative activities, the review committee shall prepare a written report embodying findings and conclusions. The report of the review committee shall include a statement of strengths found and improvements desired in the incumbent’s performance with respect to the evaluative criteria. All raw data collected for review shall accompany, but not be part of, the review committee’s report.

2.5.2 The report shall normally contain a specific recommendation by the review committee that the incumbent be reappointed or not be reappointed, with or without qualification. A majority vote of the review committee shall be sufficient to approve the report; the numerical vote shall be stated in the report. A minority report or reports shall be appended if requested by any member of the committee. Minority reports shall be seen by all members of a review committee.

2.5.3 Before forwarding the report, the review committee shall:
   • provide a draft copy of the proposed report to the incumbent
   • provide the incumbent with an opportunity to meet with the review committee in order to discuss the report
   • provide the incumbent with the opportunity to submit to the committee a written statement which shall become part of the report to the President.

2.5.4 The President (for all vice presidents) or the Provost (for all other offices) shall again consult with the review committee to share his or her inclination and the reasons therefore.

2.6. Action of the President

Ultimate responsibility for the retention of administrators belongs solely to the President. If, after discussion with the review committee, the incumbent, and other appropriate
sources of information, the President is inclined to believe a decision other than that recommended by the committee would best serve the interests of the University, before acting on that inclination the President shall consult with the Executive Committee of the Academic Senate, at which time both the report of the review committee and the reasons why the President is inclined to a decision other than that recommended would be revealed to and shared with the Executive Committee. The purpose of such a meeting would be to ascertain if some mutually agreeable course of action or decision can be found upon which the President could act. Failing that, the President shall make such decision as he or she considers best for the welfare of the University.
Policy Recommendation
Selection and Review of Department Chairs and Directors

Resolved: That S14-8 be rescinded and replaced with the following policy, effective immediately for all new nominations and reviews.

Rationale: This revision of S14-8 incorporates the voting procedures for nominating Department Chairs and Directors that were formerly only available in a separate policy. The need to consult two separate policies each time a department nominates a Chair has led to confusion and procedural errors in the past. In addition, the policy has been reformatted for easier use and a numerous corrections and clarifications have been incorporated at the suggestion of the University Council of Chairs and Directors and the Deans. Among those changes is a reordering of the policy to align chronologically with the stages of a Chair's nomination, election, evaluation, and possible removal.

Approved: April 3, 2017

Vote: 9-0-0

Present: Peter, Green, White, Lee, Kauppila, Caesar, Hamedi-Hagh, Hwang

Absent: Caesar

Financial Impact: No direct impacts. It is possible that this policy, by clarifying process, could result in some savings.

Workload Impact: No direct impacts, although the clarification of methods for selection and review of department chairs could potentially prevent some time consuming failures of process.
POLICY RECOMMENDATION
Selection and Review of Department Chairs and Directors

1. INTRODUCTION

1.1. Preamble

Department Chairs are the leaders of communities of faculty as well as the most important stewards of the mission of the University at the local level. Their effectiveness depends upon the continual support of the faculty they represent. The selection of a Department Chair is therefore the most important collective decision of department faculty. This policy is designed to assure that Chairs are chosen and reviewed in a manner that assures their continual legitimacy and effectiveness as they carry out the numerous functions assigned to them by university policies and the Collective Bargaining Agreement.

1.2. Definitions

1.2.1. Throughout this policy, the term “Chair” refers both to Chairs of Departments and Directors of Schools, while the term “Department” refers both to Departments and to Schools.

1.2.2. Departments elect a “nominee” to be department Chair; the President appoints a nominee to become Chair. Hence department elections are a nomination process with the outcome of choosing a “Chair nominee” and are called “nomination elections.”

1.2.3. The terms “Professor” and “Associate Professor” are also understood to include the equivalent titles in faculty disciplines that use alternative names, such as librarians and counselors.

1.2.4. This policy uses the generic term “chair” to refer collectively to all categories of chairs regardless of the manner of nomination and appointment. When there is a need for greater differentiation, the policy will refer to “acting chair” and “interim chair” as defined later in the policy, and “regularly appointed chair” to refer to a chair who has been nominated by the department and appointed by the President for the standard four year term.

2. QUALIFICATIONS

Chairs should preferably be Professors but may be Associates, and should have earned rank and tenure prior to the time the appointment to Chair would become effective. Exceptions should only be made in rare instances and for compelling
reasons approved by the President in consultation with the Executive committee.

3. DEPARTMENT NOMINATING PROCESS

Every four years, the department faculty shall identify a nominee for Department Chair by secret ballot vote following these procedures. These are also the procedures for departments to recommend candidates for role as acting Chair (in section 10 below.)

3.1. Deans and departments should communicate about transitions as early as possible to allow for a collegial and orderly process. The Chair’s job description—which should include the fraction of assigned time to be provided to the Chair--should be developed by the Dean in consultation with the Department

3.2. College Election Committee. The College will create a College Election Committee that will consist of three individuals: 1) The Dean or the Dean’s designee, 2) a member of the College RTP committee (chosen by the committee from a department other than the one holding the nomination election), and 3) one tenured faculty member from the department (chosen by the department RTP committee from among those department faculty who are not candidates.)

3.3. Responsibilities of the College Election Committee. The College Election Committee shall see that the department is informed of the requirements of this policy, shall (with the help of Faculty Affairs) interpret and explain the policy to the department when questions arise, shall count and certify the votes, and shall see that the results are delivered to the President and to the Department in the appropriate formats.

3.4. Charging the Department. The Dean (or, at the Dean’s option, the College Election Committee) should attend a Department meeting at the beginning of the nomination process to provide this policy and the Chair’s job description and fraction of assigned time, and to explain the process for nominating a Chair. All persons who are not members of the Department should depart before deliberations begin, unless specifically invited to remain by the majority vote of the faculty present.

3.5. Open meeting. A meeting shall be held to begin the election of a nominee to serve as Department Chair. The department may determine the nature and medium of the meeting according to its own preferences, but the meeting must be open to all faculty in the department and publicized a minimum of one week in advance.

3.6. Decision on external search. The department may decide at this stage, through normal voting procedures, to seek permission to search for an external chair (as per section 4.1 below) instead of proceeding immediately with a normal nominating election. Should permission be denied the
department should proceed with the normal process to nominate a
department Chair.

3.7. At the open meeting, faculty may suggest names to appear on the ballot for
the nominating election. The meeting shall provide the opportunity to
ascertain the willingness of candidates to serve, for candidates to make
statements, and for candidates to take questions.

3.8. The nominating election. All faculty may then vote by secret ballot
(proportional votes for part-time faculty) on all candidates proposed and
willing to serve. Balloting must be available for 5 working days.
3.8.1. If there is just one candidate, balloting must still occur, with a choice
provided to “recommend” or “do not recommend” the candidate.
3.8.2. If there are two candidates, balloting will provide a choice between
the two candidates and a choice “do not recommend any candidate.”
3.8.3. If there are three or more candidates, the ballot may use ranked-order preferential voting, as per Robert’s Rules Revised, with one
preference being “do not recommend any candidate.”

3.9. Counting the votes. The votes will be counted by the college election
committee. The candidates will be notified of the time and place of the
count at least one day in advance, and each may send one observer (other
than themselves.) The college election committee will assure that balloting
was secret. The results shall be tallied and certified (signed) by the election
committee.

3.10. Forwarding the results. Only the name of a candidate who receives a
majority of votes cast by the tenured and probationary faculty shall be
recommended to the President via the College Dean as the nominee of the
department. The full results of the election shall be forwarded to the
President to provide context for the recommendation.

3.11. Distributing the results. A statement of the vote of all faculty, broken down
into two categories – vote by tenured/tenure track faculty and by lecturers --
including the actual number of votes cast in each category – will be
forwarded to the President via the College Dean. If the final vote total from
part-time faculty contains a fraction, it shall be rounded to help preserve
anonymity. The results shall also be distributed to the faculty from the
relevant department.

3.12. Second round nomination elections. If a department is unable to nominate a
Chair by a majority vote of the probationary and tenured faculty, it may
continue to try to obtain a nominee by repeating the process if they are
willing and the Dean determines that there is sufficient time. Otherwise the
situation will be resolved via section 6 “Failure to Obtain…”

4. EXTERNAL SEARCHES

1 See CFA/CSU Agreement 20.30.
4.1. Request for an external search. An external search is a search in which candidates from outside San Jose State University are invited to apply to be hired as a tenured faculty member and as department Chair. Department faculty may request an external search for department chair. A department request for an external search should take the form of a majority vote of the department (following normal procedures for department voting rights). Such requests are not automatically granted.

4.2. Procedures for an external search. Successful completion of an external search for a department Chair requires coordination of two separate tasks: the appointment of a new faculty member in accordance with the appointment policy and the recommendation to the President of a Chair nominee in accordance with this policy. To expedite the successful conclusion of such a search, departments may combine some procedures that are common to both processes as outlined below. Departments should determine which of these three alternatives they will use by majority vote (following the normal procedures for department voting rights), and they must do so prior to the start of a search. Whichever method the department adopts, the recruitment committee must conform to the normal requirements of the appointments policy.

4.2.1. Departments may designate all tenured and tenure track faculty as a recruitment committee “of the whole” so that the appointment recommendation and the nomination recommendation are coterminous. When this method is chosen, the committee of the whole must provide lecturers with the opportunity to provide confidential feedback on the search prior to final recommendations. A department may only use this method when there are more tenured faculty than probationary faculty. If it chooses this method, the normal prohibition of faculty serving on a personnel committee evaluating faculty of higher rank is suspended.

4.2.2. Departments may use separate processes for the appointment and for the nomination functions associated with an external search for a department Chair. Using this method, a smaller recruitment committee makes a recommendation under the normal appointment policy. Then the department as a whole votes to endorse or not to endorse the recommendation of the recruitment committee. For each candidate, the department’s endorsement must specify whether or not that candidate is acceptable as a Chair. If more than one candidate is acceptable, the department must rank them in order of preference. The department’s endorsement serves to nominate a candidate to be Chair, but should be accompanied by the recruitment committee’s report to justify the appointment. In the event of conflict between the recommendations of the recruitment committee and the department, the department makes the final recommendation as to who to nominate as its Chair, but may only nominate from among those candidates deemed to be acceptable finalists by the recruitment committee. When this method is chosen by a department, time must be budgeted to allow these procedures to take place at the conclusion of the search.
4.2.3. Departments may choose to delegate their prerogative to nominate a Chair exclusively to their recruitment committee.

4.3. In conformity with the Appointments policy, an external nominee for Chair shall be reviewed and must receive a favorable recommendation for tenure from the appropriate personnel committee of the department before the appointment can be completed.

5. APPOINTMENT

5.1. The President appoints and removes the Department Chair in consultation with the Provost, College Dean, and department faculty. The term of the appointment is normally four years.

5.2. Except in rare instances and for compelling reasons, the President shall appoint a person recommended by the department faculty.

5.3. Technical details concerning the appointment of a Chair (appointment letters, salary adjustments, etc.) will be coordinated by the Office of the Provost.

6. FAILURE TO OBTAIN CHAIR NOMINEES AS DESCRIBED IN SECTIONS 3 (Nominations), 8 (Reappointment), and 10 (Acting)

Departments may be unable to successfully conclude a normal nomination for Department Chair. This could be the case in a department with no senior leadership qualified to be Chair, or no willing candidates. If a department fails to reach consensus (majority vote of the tenured and probationary faculty) following a normal nomination process (Section 3), the Dean shall consult with the faculty at a department meeting to determine the best course of action. This could be either the nomination of an interim or acting Chair, initiation of an external search, extension of a prior interim appointment, or nomination of a non-departmental interim Chair-- as per the relevant sections of this policy.

6.1. External Search. An external search may be requested as per section 4 of the policy, although such requests are not automatically granted.

6.2. Extended interim Chairs. If there has been a failure to reach consensus, and an interim Chair is serving and was not a candidate for Chair, the interim Chair may be extended by six months to allow time for more permanent solutions. Normally, a department should not have to operate under interim leadership for more than one year.

6.3. Non departmental interim Chairs. In extreme cases, and only when all of the aforementioned measures fail, the President may appoint a SJSU faculty member from outside the department to serve as interim Chair, after consultation with the College Dean and department faculty. External departmental interim Chairs are subject to all the normal limits provided in section 9. Consultation with the department faculty is normally done by the Provost and Dean soliciting advice at a department meeting.
6.4. Extended interim Chairs. The extension of an interim appointment beyond one year may endanger the principles of collegial governance and should be avoided if possible. If this occurs the Organization and Government Committee of the Academic Senate shall inquire into the reasons for the situation and report its recommendations to the Senate and the President.

7. REVIEW OF DEPARTMENT CHAIRS

7.1. Timing of Normal Review: The Dean shall initiate the formal review of each Department Chair during the fourth year of an incumbent’s term, unless the incumbent states that he/she will not be a candidate to continue as Chair beyond the fourth year.

7.2. Early Review: Department faculty may initiate a formal review of the Department Chair by submitting a petition to the Dean, provided that at least one academic year has passed since the Chair’s appointment or previous review. The petition shall state simply that “The undersigned faculty call for a prompt review of our Department Chair.” If the petition is signed by department faculty totaling more than 50% of the department electorate, the College Dean will initiate a formal review of the Department Chair. The petition should preferably be delivered early enough to permit the review to be completed before the end of the current semester, but an early review should always be completed within 40 duty days from receipt of the petition. To determine if the petition exceeds the 50% threshold, the signatures of both tenure/tenure track faculty and lecturers will be counted, with the signatures of lecturers weighted according to the proportion of their appointment. The Dean will announce the number of signatures and whether the petition exceeds the threshold, but will keep the petition itself and the signed names confidential from the incumbent chair.

7.3. Appointment and Composition of Review Committee: At the beginning of the fourth year of the Department Chair’s term, under the direction of the College Dean, the tenured and tenure-track department faculty shall elect from its ranks a peer review committee to evaluate the Department Chair’s performance. The review committee, in consultation with the College Dean, will determine the procedures and scope of the review.

7.4. Criteria for Review: The review committee, in consultation with the College Dean, shall specify the criteria for evaluating the incumbent’s job performance. The principal criteria shall be derived from the job description that was provided to the Chair at the time of appointment. The incumbent shall be asked to examine the criteria developed and to make such comments or suggestions as may seem advisable.

7.5. Procedures for Review: The review committee, in consultation with the College Dean, shall develop procedures for conducting the review. The procedures shall be designed to secure appropriate information and appraisals of performance from as many persons as may be feasible who are knowledgeable of the incumbent’s performance. If he/she so desires, the incumbent shall be given an opportunity to provide the review committee with a self-evaluation based upon the criteria developed by the committee. The opinions and judgments received by review committees,

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2 See CFA/CSU Agreement Article 15
the deliberations and reports of such committees, and any accompanying materials, shall be confidential.

7.6. Report of the Review Committee: At the conclusion of its evaluative activities, the review committee shall prepare a written report embodying findings and conclusions. The report of the review committee shall include a statement of strengths found and improvements desired in the incumbent's performance with respect to the evaluative criteria. All raw data collected for review shall accompany, but not be part of, the review committee's summary narrative. Before forwarding the final report to the College Dean, the review committee shall:

7.6.1. Provide a draft copy of the narrative portion of the report to the incumbent;

7.6.2. Provide the incumbent with an opportunity to meet with the review committee in order to discuss the report;

7.6.3. Provide the incumbent with the opportunity to submit to the committee a written statement which shall become part of the report to the College Dean.

The review committee shall forward its final report to the College Dean. The College Dean will discuss the findings with the Department Chair and will report in general to the department faculty. On completion, the final report from the review committee, additional evaluation by the College Dean, and any response from the Department Chair will be forwarded to the Provost.

7.7. Confidentiality. The review committee, college dean, and officers of the University shall hold in confidence data received by the review committee, its report, and accompanying materials.

8. REAPPOINTMENT OF A DEPARTMENT CHAIR

In order to serve one or more subsequent terms, the Department Chair must proceed through the review process and regular nominating process.

9. SELECTION OF AN INTERIM CHAIR

An interim appointment occurs when a Department Chair's position has or will be vacated and there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in Section I (Nominations). The interim Chair serves only as required to complete the appointment of a regularly appointed chair.

9.1. Appointment procedure. The President may make interim appointments after consultation with the College Dean and department faculty, normally by soliciting advice from as many faculty as possible at a department meeting called for this purpose.

9.2. Interim Chair requirements. Interim appointments should normally be a member of the department in which they will serve and they should be tenured faculty members (see section 6 for exceptions.)
9.3. Transition to a regularly appointed Chair. While overseeing all the complex tasks of the department, the interim Chair’s ultimate responsibility is to prepare the department for an orderly transition to a regularly appointed Chair. The interim Chair should serve until a regularly appointed Chair takes office, normally by the end of the first full semester following the appointment, with summer service being a matter of mutual agreement between the interim Chair and the President. For example, an interim Chair appointed in April could serve through the end of Fall semester, or an October appointee could serve to the end of Spring semester or (by mutual consent) through the summer. If the department cannot transition to a regularly appointed Chair within this time frame, the situation should be resolved under section 6 (Failure to Obtain) of this policy.

9.4. Technical details concerning the appointment of an interim Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

10. SELECTION OF AN ACTING CHAIR

An acting appointment occurs when a Department Chair is on a temporary absence (illness, vacation, or leave) but is expected to return within a year. If the absence is less than one month, the Dean, in consultation (if possible) with the continuing Chair may determine that there is no need for an acting Chair. Otherwise, an acting Chair is appointed and serves only until the regularly appointed Chair returns.

10.1. Planned need for acting Chair. When the short-term absence of a Chair can be anticipated, the Department should nominate an Acting Chair using the procedures outlined in section 3 (normal nomination.)

10.2. Sudden need for acting Chair. When there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in section 3, an Acting Chair should be designated using the procedures outlined in section 9 (interim.)

10.3. Limit on length of service. An Acting Chair should not serve more than one full academic year, and possibly the summer before or after the academic year. A Chair who is absent for more than one year should be replaced.

10.4. Technical details concerning the appointment of an acting Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

11. REMOVAL OF DEPARTMENT CHAIR

In rare circumstances it may become necessary to remove a Department Chair prior to the expiration of the four year term. There are two possible situations in which a Chair may be removed.

11.1. Administrative removal. The administrative removal of a Chair previously recommended by the faculty of a department is a very serious matter, and
should only be undertaken for compelling reasons. A Chair will be given an opportunity to meet with the Provost and Dean to defend his/her record prior to removal. Following removal, the President or Provost should meet with the Dean and the faculty assembled in a department meeting to announce the action and solicit advice on the transition. Replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy.

11.2. Faculty initiated removal. Faculty may not initiate the removal of their Chair unless a formal review has been completed within the previous six months. (They may initiate such a review as per 7.2 of this policy.) Following the conclusion of any faculty-initiated early review, the department will vote to determine if their Chair should be recalled. A recall vote will follow the same procedures as a vote to recommend a Chair nominee as described in section 3 of this policy, save only that it requires a vote of 2/3 of the tenure/tenure track faculty to forward a recommendation to the President that the Chair be removed, with the votes of lecturers also reported as per the above procedures. If removed, replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy.
POLICY RECOMMENDATION
Rescinding and Replacing F97-7 Policy on Privacy of Electronic Information

Resolved: That F97-7 be rescinded.
Resolved: That the following be adopted as policy effective immediately.

Rationale: This document summarizes important principles on privacy of electronic information found in the AAUP document “Academic Freedom and Electronic Communications” and elements copied from the University of California system policy on “Electronic Communications.” Our archaic F97-7 was very vague and increasingly obsolete. The CSU system policy has some useful protections, but does not directly address information privacy in a forthright manner. This document explains the rationale for protecting privacy of electronic information within the context of academic freedom and the culture of a university of higher learning.

While Professional Standards originally created a bulkier and considerably more specific policy draft, negotiations with the President’s Chief of Staff and the Information Security Officer persuaded us to slim the policy down to key principles and leave the minutiae to a Presidential Directive that is currently under draft.

Approved: April 3, 2017

Vote: 9-0-0

Present: Peter, Green, White, Lee, Reade, Kauppila, Hamedi-Hagh, Hwang, Marachi

Absent: Caesar

Financial Impact: No direct impacts

Workload Impact: No direct impacts
POLICY RECOMMENDATION
Principles Regarding Privacy of Electronic Information

1. Purpose

1.1. San José State University (SJSU) recognizes that principles of academic freedom and shared governance, freedom of speech, and privacy hold important implications for the use of electronic communications.

1.2. SJSU respects the privacy of electronic communications in the same way that it respects the privacy of paper correspondence and telephone conversations, while seeking to ensure that University administrative records are accessible for the conduct of the University's business.

1.3. SJSU recognizes the value of privacy as a condition for academic freedom and the benefits that privacy and autonomy bring to the individual, to groups, and to the culture of SJSU.

1.4. SJSU recognizes that faculty members and students have a reasonable expectation of privacy in their electronic communications.

1.5. San Jose State University supports privacy in the use of electronic communications and information storage to the maximum extent possible under state and federal laws.

2. Principles governing involuntary disclosure

2.1. Rarely used and clearly defined. SJSU does not examine or disclose the contents of electronic records without the consent of the individual participating in the communication except in rare cases that are clearly defined.

2.2. Clear authorization. When involuntary disclosure takes place, it must first be authorized by the President, and records of the authorization must be kept.

2.3. Least Perusal. Authorization shall be limited to the least perusal of contents and the least action necessary to resolve a matter.

2.4. Disclosure. SJSU shall at the earliest opportunity that is lawful and consistent with other University policy notify the affected individual of the action(s) taken and the reasons for the action(s) taken.

2.5. Institutional Accountability. In a manner consistent with law and concerns of confidentiality, SJSU shall prepare an annual report tracking the frequency and general purpose of all authorizations of involuntary disclosure. This report will be circulated to an appropriate body of stakeholders that will include tenured faculty chosen by the Academic Senate.

3. Implementation

The President will issue and maintain a directive that implements the purpose and principles of this policy.

4. Privacy Advisory

Various laws and available security technologies affect the degree of privacy that users can expect. No electronic system is entirely secure from unauthorized
intrusions. Users should be warned that legal requirements may require disclosure, such as disclosure under the Public Records Act, discovery in civil litigation, and legal searches performed in cooperation with state and federal law enforcement authorities.
Policy Recommendation
Graduate Student Revalidation of Courses that Exceed the 7-Year Limit

Whereas: SJSU does not have policy on expiration or revalidation of graduate coursework; and

Whereas: the University Graduate Studies & Research Committee endorsed this policy unanimously; therefore be it,

Resolved: That the following policy be enacted.

Approved: March 6, 2017
Vote: 13-0-0
Present: Bruck (non-voting), Campsey, Kaufman, Khan, Nash, Ng (non-voting), Saran, Sen, Simpson, Spica, Torres, Trousdale, Walters, Wilson, Yao

Financial Impact: None
Workload impact: Slight increase for faculty supervising the revalidation process, though this is already university practice.
Graduate Student Revalidation of Courses that Exceed the 7-Year Limit

1. Courses taken by graduate students at SJSU expire 7 years from the point of grade posting, in compliance with California Code of Regulations, Title 5, Article 7, Section 40510. Any one student may revalidate a maximum of 9 units for a 30-unit program, or 12 units for a program with more than 30 units, of expired courses. Programs have the option of setting stricter policy limits on revalidation, such as allowing no units or fewer units to be revalidated. The student must have earned at least a “B” grade in a course to revalidate it. The department that offered the class must administer an examination of the student’s knowledge. The examination could be an oral exam, written exam, research paper, or of any other kind of format approved by the department. The examination must be graded by the faculty member who taught the original course, by one who has taught the course at another time, or by one who has reasonable knowledge of the course content. If there are no faculty members with the requisite knowledge in the discipline, the course cannot be revalidated. The exam must be a rigorous one, invariably requiring studying on the part of the student. It must not necessarily though require recollection of all of the material in the original class; thus, administering an exam similar to the original final exam would not be warranted.

2. Because the course material is considered outdated after 7 years, the goal must be to determine if the student’s knowledge is up to date. That is, simply knowing the original content of an outdated course is inadequate. Students may be presented with a list of relevant books or other materials that would help bring them up to speed with respect to current knowledge in the field. The exam should reflect and test their understanding of that more current material. Testing the current knowledge of the field should be the goal even if the course has changed little or the field has not progressed past the point of the original class.

3. Unless a department makes an exception, independent study, seminar, research, project, thesis, or comprehensive exam preparatory courses cannot be revalidated. Graduate courses taken as a senior undergraduate at SJSU to be used for graduate credit are eligible for revalidation (with departmental consent), but those taken at other institutions are not. If these courses expire, they must be repeated or replaced. Expiration of projects and theses is an extremely rare event given that they usually occur at the end of the curricular program. If they were to expire, they would have to be replaced by entirely new ones that did not repeat any material in the original one. Theses previously published would remain in the SJSU repository as legitimate contributions. Comprehensive exams would need to be retaken in their entirety to reflect the more current state of material in the field. Credential courses can be revalidated at the discretion of the department.
4. If students can present a compelling case that their progress through the program was delayed unnecessarily by department advisors, unavailability of required courses, or other departmental circumstances beyond their control, they can appeal to the Associate Dean of Graduate Studies for an extension of the limit. Extensions should very rarely be awarded.

5. Approval of the revalidation will be by the examining professor and the program’s graduate advisor, and affirmed by the Associate Dean of Graduate Studies.
San Jose State University
Academic Senate
Instruction & Student Affairs Committee
April 10, 2017
First Reading

Policy Recommendation
Registration Priority Policy
(also Amendment A to University Policy S73-4)

Legislative History: Rescinds F14-1, Amends Section 2 of S73-4

Resolved:

1.0 Scheduling of Registration
Students shall be allowed to register in the following order:

- Group 1: Specific Priority Categories (see 2.0 below)
- Group 2a: Graduating seniors (those who have a graduation application on file
  with an anticipated graduation date for the current or next
  semester) in the California Promise program
- Group 2b: Remaining graduating students (bachelors- and graduate-level
  students who have a graduation application on file with an
  anticipated graduation date for the current or next semester)
- Group 3: Graduate students
- Group 4a: Seniors in the California Promise program
- Group 4b: Remaining seniors
- Group 5: Second baccalaureate students
- Group 6a: Juniors in the California Promise program
- Group 6b: Remaining juniors
- Group 7a: Sophomores and continuing frosh in the California Promise
  program
- Group 7b: Remaining sophomores and continuing frosh

Students in Groups 2-7 will register on the basis of rotating alphabetical cycles within
each group.

Note: First time frosh registration is based on orientation. Incoming transfer students
have a registration date dependent on when they matriculate.
2.0 **Categories of Group 1: Specific Priority Students**

2.1 **Category A:**

- Students who are required by external agencies such as the National Collegiate Athletic Association, or by law, to receive priority. This excludes students covered by SB 412, the California Promise program unless they also fall under another group with required priority registration. Priority registration for students in the California Promise program is addressed in the regular registration as outlined in Section 1.0.

- Students whose contributions to the university are recognized as being so extensive that their graduation would be postponed by the amount of time spent on their extracurricular duties.

- Students serving on Senate committees that require student participation in order to perform essential functions.

- Students who are part of any group that has a contractual agreement with SJSU to provide a full course load.

Groups in this category include:

- Accessible Education Center (AEC) students
- AEC note takers
- Associated Students Board of Directors
- Student Fairness Committee members
- NCAA Athletics
- Guardian Scholars
- Reciprocal Exchange students
- Veterans (as per Cal. Educ. Code §66025.8)

This category does not require regular review by the Student Success Committee, though review may be requested if/when circumstances change.

2.2 **Category B:**

Students who would not otherwise graduate within a reasonable period of time because they participate in an ongoing, university sanctioned activity that meets all of the following criteria:

- the activity significantly benefits the University;

- the activity has a regularly scheduled class, event or practice offered only at specific times that conflict with a vast majority of prime time classes that are offered (i.e. 9:00 – 3:00 Monday through Thursday) and cannot be moved outside of prime time;

- participation at every class, event or practice is mandatory; the sponsoring organization must establish a minimum GPA and progress to degree criteria and monitor it each semester; mandatory meetings
must be set prior to the first day of the semester.

2.3 Category C:

Students enrolled in an integrated package of courses that meets all of the following criteria:

- covers at least four areas of the General Education Program
- involves being part of a cohort group of students from multiple colleges
- requires enrollment together in a specified course sequence over multiple semesters.

Priority registration will be granted to students in this category beginning with the second semester of enrollment.

2.4 Category D:

Students who are required by external scholarship granting agencies/donors to meet progress toward degree milestones that are more rigorous than those of the institution and/or whose benefits/eligibility to participate expire based on time limitations of less than 6 years.

3.0 Implementation – Approval and Continuing Approval

3.1 It is the intention that no more than 10% of the FTES of SJSU be available for priority registration under the policy.

3.2 The Accessible Education Center will review AEC students and note takers in Category A each semester and provide an updated list.

3.3 Coordinators of all groups in Category B, C, and D who wish to apply for priority registration on behalf of their group of students, including those that currently hold such status, shall apply to the Student Success Committee for continuation or granting of priority registration status.

Priority registration for groups of students in these categories normally shall be awarded for periods of up to five years. The Student Success Committee may authorize priority registration for a shorter time period, and when doing so, will provide written justification describing concerns.

In the case of an application for continuing approval, the coordinator of each currently approved group is responsible for resubmitting such an application at least one full semester prior to the expiration of the previous granting of priority registration.

In the case of an application for new approval, the coordinator of a group seeking such approval must submit an application at least one full semester prior to the requested implementation date.

3.4 The Student Success Committee shall determine which category each
applicant group qualifies for and shall notify the coordinator of the group regarding the granting, extending, or denying of priority registration. Applications for fall priority registration must be received by the Chair of the Student Success Committee no later than April 1. Applications for spring priority registration must be received by the Chair of the Student Success Committee no later than September 1.

3.5 An increase of more than 10% of the original number of approved students approved for priority registration will automatically require a statement of justification submitted to the committee no later than April 1 for fall semester and no later than September 1 for spring semester registration.

4.0 Submission of student names and SJSU ID Numbers to the Registrar’s Office

Submission of student names and SJSU ID numbers to the Registrar’s Office for groups of students receiving priority registration is the responsibility of the coordinator of the group. Each coordinator is responsible for contacting the Registrar’s Office for submission deadlines.

Rationale:

Senate Bill 412, passed on September 21, 2016, defines the California Promise program and legislates the requirement of priority registration for California Promise students. This program is available to frosh and to transfer students with an associate degree for transfer. It facilitates a four year graduation rate for frosh and a two year graduation are for transfers with commitments on the part of the university and the student. One such commitment on the university side is priority registration. There will be an increasingly larger percentage of students eligible for the California Promise program as SJSU works to meet our CSU Graduation 2025 goals of a 35% four year frosh graduation rate and 36% two year transfer graduation rate. This policy integrates the priority registration for students in the California Promise program into the registration for all students by class level in order to balance the requirement to give priority registration to students in the California Promise program with the need to maintain access to classes for all students.

Approved: April 3, 2017

Financial impact: None

Workload impact: Initial work will be needed by enrollment services to adapt the registration process to account for students in California Promise program. Continued workload will be needed by the Office of Student and Faculty Success to ensure the list of students enrolled in the California Promise program are accurate.
Policy Recommendation
Codification and Revision of Undergraduate Student Honors

Legislative History:

In 1996, F96-5 codified several previous Senate policies on honors, replaced previous University Policies S65-24, F86-5, S93-6, S66-7, F85-9, S86-7, and used forgotten information from supposedly superseded policies F65-12 and F67-10.

REVISION OF STUDENT HONORS POLICY: F96-5

Whereas, San José State University currently has one policy codifying student honors: F96-5 from previous policies dating from 1965 through 1993; and

Whereas, Several conditions of F96-5 have not been consistent in their implementation; and

Whereas, Awarding Honors at Entrance for freshmen based on GPA, ELM, and EPT scores is difficult to implement because they are not awarded until after the student matriculates; and

Whereas, Determining President’s and Dean’s Scholars based on a two-semester “block of work” excludes the possibility of frosh earning honors their first semesters; causes confusion for students and advisors, and complicates the computing process, and

Resolved, The attached document rescinds previous policy F96-5 and implements "Undergraduate Student Honors at San José State University."
UNDERGRADUATE STUDENT HONORS AT SJSU

1.0 Overview and General Procedures

1.1 In order to encourage and reward outstanding academic achievement of students, San José State University awards honorific designations in these categories:

2.0 The Semester Honor Roll: President's and Dean's Scholars
3.0 Departmental Major Honors
4.0 Honors in a Special Course Sequence
5.0 Latin Honors at Graduation

1.2 All references to grade point average (GPA) in this document are to a 4.0 letter grading system, as defined in the SJSU catalog.

2.0 The Semester Honor Roll: President's and Dean's Scholars

2.1 Honor Roll designations will be determined twice a year, for the Fall and Spring semesters. Summer and Winter term coursework does not play any role in determining Fall and Spring Honors.

2.2 Only SJSU courses are counted for honor roll calculations. A minimum of 12 letter-graded units (UG) are required to qualify for consideration. Credit (“CR”) grades are not counted either in the calculation of grade point average nor towards the 12-unit minimum. Any grades below “C” (2.0) and/or any No Credit (“NC”) grades disqualify a student from consideration, as do any outstanding Incomplete (“I”) and/or Report Delayed (“RD”) grades on the student’s record for the semester under consideration.

2.3 The determination and transcript notation of honor roll designations shall be done as soon as possible following the census date of the following Fall or Spring semester.

2.4 Semester honors will not be awarded retroactively for students who have Incomplete (“I”) and Report Delayed (“RD”) grades that are cleared after honors status reporting per Section 2.2 and 2.3 of this policy.

2.5 Any undergraduate student who has earned an SJSU GPA of 4.00 for the Fall or Spring semester shall be deemed to be a President’s Scholar for that semester.
Any undergraduate student who has earned an SJSU GPA of 3.65 or higher shall be deemed to be a Dean's Scholar for that semester.

2.7 Recognition and Privileges

2.7.1 All honor roll awards, whether earned for the previous Fall or for the previous Spring, will be recognized at the yearly Honors Convocation organized by the Office of the Provost and held during the Spring semester.

2.7.2 Honor roll status will be shown on the transcript beneath the semester in which it is earned, together with a notation explaining what the designation means.

3.0 Departmental Major Honors

3.1 Qualifications: Departmental major honors are awarded to students who successfully complete an approved program with their major.

3.1.1 Each department that elects to have a major honors program should customize the program to its individual discipline.

3.1.2 Departmental major honors programs must be approved by the same on-campus mechanisms that are used to approve other academic programs. This includes review by the appropriate college curriculum committee and the relevant curriculum committees of the Academic Senate.

3.1.3 Approved departmental major honors programs are then filed with the Office of Graduate and Undergraduate Programs, which then notifies the appropriate campus agencies to begin implementation.

3.2 Criteria for departmental major honors programs: honors should be earned by specific honors level work as contrasted to work only in regular classes and should reflect the student's choice to attempt departmental major honors.

3.2.1 Departmental major honors should be awarded strictly for academic achievement (GPA and specified coursework).

3.2.2 Departmental major honors will be given only to students who distinguish themselves within their department with outstanding academic achievement. Among the methods used to measure this achievement, there must be a component that uses grades earned in
3.2.2.1 This may include use of a minimum GPA requirement in the major

3.2.2.2 This may include use of a minimum GPA requirement in a specified group of departmental major courses

3.2.3 There must be a component of academic work that is unique to the departmental major honors program, (e.g., honors thesis, an honors colloquium, etc.)

3.2.4 There may be other components as recommended by the department and approved by the relevant committees.

3.2.5 Programs must be constructed so as to provide the opportunity for transfer students to participate.

3.2.6 All indications of departmental major honors prior to successful completion of all requirements must be noted as tentative and dependent upon maintenance of honors standards in the student’s final semester.

3.3 Recognition and Privileges

3.3.1 Departmental major honors status will be shown on the transcript, together with a notation explaining what the designation means.

3.3.2 Departmental major honors status will be indicated on the official diploma of the student.

4.0 Honors in a Special Course Sequence

4.1 Qualifications: Honors in a Special Course Sequence (SCS) are awarded to students who successfully complete an approved SCS honors program.

4.1.1 SCSs are unique course sequences outside of a major program, which provide students with an interdisciplinary perspective on topics of broad interest. By their nature, SCSs require curricular oversight and subject expertise across departments and/or colleges.

4.1.2 Honors requirements for a SCS must be approved by the same on-campus mechanisms used to approve other academic programs.
This includes review by the appropriate college curriculum committee(s) and the relevant curriculum committees of the Academic Senate.

4.1.3 Approved SCS honors programs are then filed with the Office of Graduate and Undergraduate Programs (GUP), which then notifies the appropriate campus agencies to begin implementation.

4.2 Criteria for SCS honors: honors should be earned by specific honors level work in the designated SCS.

4.2.1 SCS honors should be awarded strictly for academic achievement (GPA and specified coursework).

4.2.2 SCS honors will be given only to students who distinguish themselves within their SCS with outstanding academic achievement. Among the methods used to measure this achievement, there must be a component that uses grades earned in the SCS.

4.2.2.1 This may include use of a minimum GPA requirement in the SCS

4.2.3 There may be other components as recommended by the coordinating body and approved by the relevant committees.

4.2.4 All indications of SCS honors prior to successful completion of all requirements must be noted as tentative and dependent upon maintenance of honors standards in the student’s final semester.

4.3 Recognition and Privileges

4.3.1 SCS honors status will be shown on the transcript, together with a notation explaining what the designation means.

4.3.2 SCS honors status will be indicated on the official diploma of the student.

5.0 Latin Honors at Graduation

5.1 Qualifications

5.1.1 The Latin honors designations depend upon the achievement of a high grade point average at graduation in each of two categories:
5.1.1.1 An “All College” GPA, which reflects all graded, accredited baccalaureate work and assures that the honor is bestowed for outstanding achievement in the earning of the entire degree; and

5.1.1.2 The “SJSU cumulative” GPA, which reflects all graded collegiate work at this university and assures that the honor (also) reflects outstanding achievement in work completed at SJSU.

5.1.1.3 Each average will include work completed during the semester immediately preceding graduation. Graduation programs will note that indications of honor awards are tentative and depend on maintenance of honors standards in the student’s final semester.

5.1.2 Any undergraduate student who has earned a 3.90 or higher GPA (both All College and SJSU Cumulative), shall graduate Summa Cum Laude.

5.1.3 Any undergraduate student who has earned a 3.70 or higher, but less than 3.90, GPA (both All College and SJSU Cumulative), shall graduate Magna Cum Laude.

5.1.4 Any undergraduate student who has earned a 3.50 or higher, but less than 3.70, GPA (both All College and SJSU Cumulative), shall graduate Cum Laude.

5.2 Recognition and Privileges

5.2.1 All those earning Latin honors shall be authorized to wear a symbol on their academic regalia, which shall be chosen by an appropriate Academic Senate committee.

5.2.2 Latin honors status will be indicated on the transcript, together with a key explaining what the designation means.

5.2.3 Latin honors status will be indicated on the official diploma of the student.

Approved: April 3, 2017
Vote: 11-0-0
Present: Kaufman (Chair), Walters, Yao, Simpson, Miller, Wilson, Nash, Perea, Mendoza, Spica, Sen, Bruck (non-voting)
Financial impact: None
Workload impact: The result of this policy would be a decrease in the number of students receiving honors (elimination of Honors at
Entrance) and potentially smaller numbers of Latin honors designations due to higher GPA requirements. Semester honors designations will be determined on a shorter time scale, but by eliminating the use of the past 3 semesters work, fewer total honors designations are likely.
Policy Recommendation:
Research, Scholarship, and Creative Activity: Advisor-Student Relationship, Sponsored Projects, and Proprietary RSCA and Issues of Confidentiality

Legislative History: Rescinds S94-8

Rationale: There is need to update the University policy on Research, Scholarship, and Creative Activity (hereafter RSCA) in compliance with the Integrated CSU Administrative Manual Section 11000. In addition, policies, procedures, and practices on campus have undergone significant changes in the last 20 years that necessitates an update to our RSCA policy.

RSCA at a university advances the frontiers of knowledge, keeps faculty energized and familiar with recent developments in their fields, and provides an experiential learning context for students. These activities enrich a university community, contribute to knowledge and progress in the profession, and contribute to high quality education. San Jose State University (SJSU) endorses the principles of academic freedom in RSCA and the University promotes conditions of free inquiry as outlined in SJSU University Policy S99-8. As per S94-8, SJSU supports RSCA activity and the pursuit of research in concert with other university duties. All RSCA undertaken by SJSU personnel and students must be in compliance with all federal, state, CSU, and SJSU laws, regulations, and policies (contact Office of Research for guidance on laws, regulations, and policies). RSCA is defined by the discipline and may be further elaborated on within departments and colleges. RSCA typically excludes individual consulting or individual private business ventures.

Whereas: RSCA at SJSU includes a wide range of activities, funding approaches, disciplines, and practices\(^1\), this policy covers only three RSCA areas: I. RSCA Advisor-Student Relationship; II. Sponsored Projects; and III. Proprietary RSCA and Issues of Confidentiality.

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\(^1\) See Table 1 for list of other University Policies relating to RSCA.
I. RSCA Advisor- Student Relationship

The involvement of students as active participants in RSCA projects provides students with richly rewarding, and often unique, learning opportunities, and the University encourages student involvement in RSCA. Thus, one of the criteria that may positively influence the decision to undertake RSCA projects or to accept extramural support is the potential to enrich quality of the student learning experience. The University thus adopts the following policy governing the RSCA Advisor - Student Relationship:

A. RSCA Advisor role

When bringing students into a RSCA project as collaborators, the advisor should encourage the free pursuit of learning, should show respect for the student as an individual, and act as an intellectual guide and advisor/mentor.

B. Alignment of Commitments and Obligations

Situations may arise in which an advisor allows competing commitments/obligations or third-party involvement to influence his or her role as a teacher, mentor, or supervisor of RSCA, to the detriment of the student’s educational experience. Such influence could include pressure on students to undertake RSCA in order to advance the direct interests of the external organization; transmission of student’s RSCA results to the organization before the project has been completed; inability of an advisor who is frequently absent from the research setting to give appropriate advice on the conduct of student’s RSCA; and pressure on students to change research directions to work on projects that strengthen an external organization’s competitive position. The ultimate goal is to establish a clearly defined relationship between all parties and establish a quality educational experience.

Prior to bringing a student into a RSCA project, the advisor and the student should discuss student and advisor time constraints and commitments and establish their responsibilities (including any obligations to third parties) and discuss possible consequences. In some cases, the advisor and student may face conflicts when there are simultaneous academic and RSCA obligations. In these cases, the RSCA advisor and/or the student should contact the department chair for guidance.

C. Financial Support

The University affirms the student’s right to know the source(s) of the RSCA funding. Should a student choose to reject financial assistance linked to the source, the student has the right to do so without adverse consequences.
D. Monitoring

The responsibility for monitoring RSCA advisor-student relationships rests with the faculty and the University administration. The University, and by extension the RSCA advisor, is committed to protecting the educational interests of students and maintaining an open environment free from undue influence of private interests. Allegations of deviations from acceptable standards in this regard should be brought to the attention of the college or division head and/or the AVP for Research. Such allegations will be investigated, and, where appropriate, action taken by the appropriate administrative officer. Any action is subject to review by the next level of administration and through standard University grievance processes to the extent applicable by authorized employees.

E. Recognition

Significant scholarly or artistic contributions from students must be acknowledged by the RSCA advisor. Prior to bringing students into a RSCA project, the RSCA advisor must discuss what is meant by significant contributions within the discipline.

II. Sponsored Projects

Sponsored projects are funded activities in which there is a formal written agreement (i.e., grant, contract, or cooperative agreement) and may be thought of as a transaction in which there is a specified statement of work with a related, reciprocal transfer of something of value. An externally-funded sponsored project is an agreement between SJSU and an external sponsor; such agreements are enforceable by law and performance is usually accomplished under time and fund use constraints with the transfer of support revocable for cause.

The University adopts the following guidelines governing sponsored projects:

A. Administration of Sponsored Projects

With respect to externally-funded sponsored projects, the policies in Integrated CSU Administrative Manual Section 11000 “serve as the fundamental system-wide requirements governing the California State University’s (CSU) involvement with the solicitation, acceptance and administration of awards from extramural sponsors for the conduct of research and scholarly activity, and other sponsored activities.” [ICSUAM Section 11001.00]. ICSUAM Section 11002.01. Section 1.5 defines "Recipient" of a sponsored project as the university or auxiliary, but not an individual, department or other constituent unit. Section 1.8 "Sponsored
Program Administrator" (SPA) is defined by the Recipient as the entity that will administer the grant or contract. At SJSU, it can be the University, the Research Foundation (Office of Sponsored Programs) or the Tower Foundation (pre-award work for Tower Foundation is performed by Corporate and Foundation Relations).

In consultation with the Associate Vice President (AVP) for Research or his/her designee (hereafter: the term AVP for Research includes his/her designee except where specified), SPAs help the Principal Investigator (PI) address the requirements governing proposal preparation and submission, award negotiation, and post-award management. SPAs assist with identification of possible funding opportunities, management of solicitation of internal applications for limited submission opportunities, and facilitate development of current and pending reports. SPAs also negotiate and execute Materials Transfer Agreements, Non-Disclosure Agreements, IP and Tech transfer agreements, and other legal instruments associated with sponsored programs.

The PI, acting for and on behalf of SJSU, has primary responsibility for the management of his/her sponsored project in accordance with federal, state, University, and sponsor requirements. For every funded award, a single PI must be designated who personally participates in the project to a significant degree. In circumstances where a sponsor specifies that the PI must be the President, Provost or Dean, the designated PI will serve on behalf of the President, Provost, or Dean.

B. Principal Investigator Eligibility

1. Internal Eligibility

   The PI and any co-PIs must be qualified by education, training and experience in the area in which the funded RSCA or other project is being conducted. Generally, faculty members at SJSU on the tenure-line having the rank of Assistant, Associate or Full Professor as described in their letter of appointment are eligible to be a PI on sponsored projects. A co-PI may be a faculty member, student, or other University personnel.

2. External Eligibility

   Certain sponsors or funders may specify PI or co-PI eligibility criteria. Such criteria may include degree(s), awards/honors, tenure, how many times the individual has been a PI, faculty membership, etc. In addition to the sponsor’s criteria, the potential PI or co-PI must be aware of his/her own responsibilities,
have approval from his/her unit, and meet PI and co-PI eligibility requirements as dictated by SJSU policy.

3. Exceptions
An administrator, faculty member in the Faculty Early Retirement Program (FERP), emeritus, temporary, adjunct, visiting, volunteer faculty, University, or auxiliary employee may serve as PI or co-PI with the prior authorization of the AVP for Research. For academic personnel, PI and co-PI status must be recommended at the department and/or college level pertaining to expertise and by the Dean or designee based on the stated willingness of the potential PI to comply with administrative and fiduciary requirements. Non-academic personnel will use a parallel recommendation process. The petition for exception is forwarded along with a Curriculum Vitae or resume to the AVP for Research for final decision. The exception may provide limited approval for a specific proposal or provide status for submissions for a specified period. If the AVP for Research does not approve the request, the dean will be notified and alternative PI solutions will be discussed.

C. Externally-Funded Proposal Submission, Review, and Approval
All requests for externally-funded, sponsored projects (including but not limited to letters of intent, contracts or grant proposals that might be construed as a SJSU commitment to the external party) shall only be submitted to sponsoring agencies with prior written approval of the president and the chief financial officer, or their designees (at SJSU, the AVP for Research and AVP for Finance, respectively). The designees work closely with the SPA through which external funding proposals are submitted and subsequent awards are received. Other responsibilities of the SPA include: negotiating and accepting awards on behalf of the University and PI (it must be emphasized that all awards are given to the institution and not to the PI); drafting, negotiating and executing subcontracts; representing SJSU and the PI when interacting with sponsors. The Office of Research, SPA, and the PI are jointly responsible for ensuring institutional compliance with Federal and State regulations; sponsor policy and University policy compliance; coordinating pre-award and post-award actions that require either institutional or sponsor prior approval; and reporting responsibilities. Individual faculty members or non-authorized staff may not negotiate, sign, amend, or accept externally funded contracts and grants on behalf of SJSU or its auxiliaries. As noted above, each contract or grant proposal for extramural funding of RSCA, training, and public service projects, and extramural awards received for such projects, must name an eligible employee of the University or
auxiliary to serve as a principal investigator (see Section II B. to review eligibility
guidelines).

Funding proposals to support students’ RSCA activity must be sponsored by
an eligible PI, as the designated PI. A student may be listed as a co-PI, but
may not be the point of contact or PI for the project. In general, students who
participate in sponsored programs must conform to all rules under the RSCA
Student-Advisor Section 1, in addition to the policies listed in Table 1.

D. Principal Investigator Responsibilities

While there may be any number of co-PIs, there must be one individual who is
recognized as PI (Lead PI) and is ultimately responsible to:

● Conduct the sponsored project and complete required reports and
deliverables in accordance with applicable University, SPA, and
sponsor or funder policies and guidelines;
● Ensure that all required University and SPA forms and
certifications are completed in a timely manner;
● Conduct the work on the project according to the research
protocol or statement of work that was submitted with the original
proposal or as subsequently modified by the sponsor or funder in
agreement with the PI and the University/SPA;
● Manage the project budget so that funds are spent in accordance
with financial and administrative policies and ensure timely submission
of expenses for reimbursement;
● Manage project personnel in compliance with federal and state
laws, as well as University and SPA policy;
● Manage the retention and storage of all programmatic technical
materials and reports in accordance with sponsor or funder guidelines
and requirements.

E. Principal Investigator Performance, Compliance, and Review

Satisfactory progress and review of sponsored programs are determined by the
sponsor or funding agency on a project-by-project basis. Any issues or concerns
with the performance or regulatory compliance of a PI regarding adherence to
University and SPA policies and procedures initially will be addressed with the PI
by the SPA in consultation with the AVP for Research. If the PI is non-responsive
or if the response does not result in adherence to applicable policies and
procedures, the AVP for Research will involve the dean or University official to
resolve the circumstances including possible reassignment of PI responsibilities
to accomplish compliance.

III. Proprietary RSCA and Issues of Confidentiality
In general, while it is the policy of SJSU that RSCA should be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and RSCA activities, in certain circumstances issues related to confidentiality or proprietary RSCA may take precedence. Proprietary RSCA refers to information or materials that cannot be made public or disseminated without the approval of the entity that owns the proprietary rights to that information or materials. SJSU recognizes that some publishable work can best be accomplished if a University investigator(s) has access to a sponsor's proprietary information or materials. Confidential research is any research that may need be kept non-public, but is not necessarily proprietary (e.g., medical or academic records). Specific situations are governed by complementary policies. Classified research is covered by SJSU University Policy F69-12. Student theses are governed by SJSU University Policy S14-10. RSCA involving human subjects are governed by SJSU University Policies S08-7 and F08-1. RSCA dissemination related to Intellectual Property and Conflict of Interest is governed by SJSU University Policies S96-11, F98-3, and S99-11. The pursuit of RSCA upholds the principles of Academic Freedom and Professional Responsibility as outlined in SJSU University Policy S99-8.

A. Confidentiality with RSCA Projects

Information gathered and/or generated in RSCA projects may need to be considered as confidential or proprietary. This information may include, but is not limited to, personal information regarding other RSCA team members, industry partners, and funders, as well as intellectual property, marketing plans, and financial and operational information. Every member of a RSCA team must take all reasonable precautions to ensure that access to this information is restricted to authorized individuals as determined by the PI of the team. RSCA team members may travel with confidential information to a location on campus or outside the campus, but team members must receive permission to do so from the PI. PI’s should inform students on the requirements of confidentiality and to mentor students as to the appropriate uses and contexts for sharing RSCA information. When contacted by the media regarding a RSCA project, only designated media spokespersons are authorized to communicate with media sources.

Non-Disclosure Agreements

A Non-Disclosure Agreement (NDA) is a legally binding agreement that typically:

- Defines and describes information, knowledge, or materials to be shared between or among the parties; and
- Restricts the usage and disclosure of the shared information, knowledge, or materials.
Any NDA which purports to apply to SJSU or any department or unit thereof (or to commit or bind SJSU) can only be signed by an authorized SJSU administrator. Any SJSU faculty or staff member who signs without authorization could face individual legal liability for non-compliance with the NDA. NDAs which are related to individual private business or consulting are not subject to SJSU authorization. However, if these partnerships develop into a RSCA activity, a conflict of interest declaration must be made and managed by an authorized SJSU administrator, and a new NDA may be required. A conflict of interest declaration is also required if the RSCA member is participating both in an individual consulting and a sponsored RSCA project with the same entity.

NDAs may be proposed when the University is considering entering into a business relationship with a company or individual and where there is a need to understand or evaluate each other’s technology, research or processes, some of which might be proprietary or otherwise sensitive in nature. Any questions regarding proprietary research, confidential research, or the use of NDAs should be referred to the Office of Research.

B. Relationships with External Entities

The following statements establish the basis, under this general policy, on which SJSU will enter into contractual agreements with external entities dealing with RSCA. External entities may operate within a proprietary environment while the University functions on the principle of free inquiry and open expression. To serve the common interests of both the University and the external entities, reasonable and workable guidelines for collaborative work must first be established.

1. SJSU enters into no contractual agreement that restrains it from disclosing the existence of the agreement, the broad nature of the work, and the identity of the sponsor.

2. SJSU will not enter into any Non-Disclosure Agreement (NDA) agreement that permanently bars investigator(s) from publishing or otherwise disclosing the findings publicly. However, the AVP for Research, on behalf of the institution and with the concurrence of the investigator(s), may negotiate in advance to delay publication and/or presentation for a maximum of 180 days to allow sponsors to determine whether their proprietary information may be revealed, or whether they will exercise their rights under patent clauses in agreements with the institution. The AVP for Research on behalf of the institution with the
315 concurrence of the investigator(s) may agree to an additional delay of
316 up to 180 days.
317
318 3. Exceptions to Section III.B.2 may be granted by the AVP for
319 Research who may rely on the recommendation of an ad hoc
320 committee. The AVP for Research will make an annual report to the
321 President specifying exceptions granted under this provision.
322
323 4. This section on “Relationships with External Entities” does not
324 apply to individual, private, consulting projects.

Table 1: Other University Policies Relating to Research, Scholarship, and Creative
Activities

<table>
<thead>
<tr>
<th>Roles and responsibilities</th>
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<tbody>
<tr>
<td><strong>S99-8</strong></td>
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<tr>
<td><strong>S99-11</strong></td>
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<td><strong>S05-13</strong></td>
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<td><strong>F69-12</strong></td>
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<td><strong>S15-7</strong></td>
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<td><strong>S15-8</strong></td>
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**Intellectual property**

<p>| <strong>F98-3</strong> | Intellectual/Creative Property |</p>
<table>
<thead>
<tr>
<th>S96-11</th>
<th>Fair Use of Copyrighted Materials; Intellectual Property</th>
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<tr>
<td>Treatment of research subjects</td>
<td></td>
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<tr>
<td>S14-6</td>
<td>Policy and Assurance for Humane Care and Use of Animals at SJSU</td>
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<tr>
<td>S08-7, F08-1</td>
<td>Policy for Protection of Human Research Subjects</td>
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Approved (C&R): April 5, 2017
Vote: 11-0-0
Present: Buzanski, Cargill, Chang, Chung, Grindstaff, Heil, Mathur, Matoush, Rodan, Stacks, Trulio
Absent: Anagnos, Medrano

Curricular Impact: None anticipated.
Financial Impact: There is potential for University personnel to expand their grant and funding opportunities.
Workload Impact: The Office of Research may have increased workload as University personnel contact them for guidance in conducting RSCA, proprietary research and confidential research.