

2001/2002 Academic Senate

MINUTES
April 22, 2002**I. The meeting was called to order at 2:00 p.m. and attendance was noted. Thirty-five Senators were present.**

Ex Officio: Present: Caret, Brent, Peter, McNeil, Shifflett, Martinez	CASA Representatives: Present: Malloy Absent: Lu, Chen, Glogoski
Administrative Representatives: Present: Kassing, Rascoe, Goodman, Dorosz, Lee	COB Representatives: Present: Donoho, Nellen
Deans: Present: Breivik, Andrew Absent: Sigler	ED Represent: Present: Lessow-Hurley Absent: Katz, Rickford
Students: Absent: Anderson, Deveza, Grotz, Khaghani, Lee, Tsai	ENG Representatives: Present: Pour, Singh Absent: Hambaba
Alumni Representative: Absent: Hollands	H&A Representatives: Present: Williams, Sabalius, Manning, Van Hooff Absent: Fink, Vanniarajan
Emeritus Representative: Present: Buzanski	SCI Representatives: Present: Hamill, Stacks, Matthes, Veregge Absent: Garcia
Honorary Senators (Non-Voting): Present: Young, Norton	SOS Representatives: Present: Nuger, Baba
General Unit Representatives: Present: Thames, Main	SW Representative: Present: Hines

II. Approval of Academic Senate Minutes
The minutes from March 18, 2002, were approved as corrected.**III. Communications****A. From the Chair of the Senate.**

Chair Brent reminded Senators that the second Provost's Forum would be held tomorrow, April 23, 2002, noon-2 p.m., in Engineering 285/287 (lunch will be provided.) The first Forum, *A Time for Boldness*, was a big success and drew over 100 faculty, students, and staff.

Chair Brent announced the Academic Senate Election results. Gilda Pour was reelected to fill the Engineering seat, and Mengxiong Liu was elected as a new Senator filling a General Unit seat. The following Senators ran uncontested races: Sak Onkvisit, College of Business; David Matthes, College of Science; Judith Lessow-Hurley, College of Education; and Swathi Vanniarajan, College of Humanities and the Arts. Carol Ray was appointed to replace Yoko Baba, College of Social Sciences, while Yoko is on sabbatical. Maria Guerra was elected by the Alumni Association as the Alumni Representative, and Tim Hegstrom was uncontested for appointment as a CSU Statewide Senator.

In addition, San José State Faculty voted on two proposed amendments to the Constitution of the CSU Academic Senate. The first amendment, if passed, would provide for more proportional representation to the CSU Academic Senate; 257.3 SJSU faculty members voted in favor, and 15 voted against. The second amendment, if passed, would establish a seat for an emeritus faculty representative on the CSU Academic Senate; 175 SJSU faculty members voted in favor, and 34.8 voted against.

Chair Brent announced that the San José State Academic Senate would be holding elections for Senate officers at our May 13, 2002 meeting. An election will be held for the chair position on each of the four policy committees, as well as the Secretary of the Senate/Chair of the Committee on Committees. In addition, an election will be held for the CSU Statewide Representative on the Executive Committee. Chair Brent has spoken with several Senators, and is happy to report that many are interested in running for the positions. Chair Brent informed the Senate that the chairs of the policy committees receive .20 release time for their efforts. The Executive Committee has established a Nominating Committee composed of Chair Brent and Vice Chair Nellen to recruit Senators for these positions. Chair Brent stated that Senate Officer Nomination forms were passed out at the beginning of the Senate meeting, and he encouraged Senators to complete the form and return it at the end of the Senate meeting.

Chair Brent announced that Committee Preference Forms had also been passed out at the beginning of the Senate meeting. Senators get first preference for any policy committees they would like to serve on. Chair Brent encouraged Senators to complete and turn in the Committee Preference form as soon as possible.

The next Senate meeting will be held on May 6, 2002. This is an additional meeting approved by the Senate last month. It may be the busiest Senate meeting since 1995. The Senate will have final readings on a *Board of General Studies* policy, a *Responsible Uses of Instructional Technology* policy, and a *Worker's Rights Consortium* resolution. The Senate may or may not have a final reading on the *AIM Taskforce Report*. In addition, the Senate will have a first reading on a policy related

to MUSE, a resolution on *The Academic Calendar Under Year Round Operations*, and a second policy related to *The Board of General Studies*. Each of these policies is major, and collectively they will consume a great deal of time. Chair Brent asked that Senators try to arrive early for the May 6th meeting, so that the meeting may start promptly at 2 p.m.

Chair Brent announced that there is only one-week between the May 6th and May 13th Senate meeting. Because of the short time frame, some of the materials for this meeting may have to be viewed online at the Academic Senate website (www.sjsu.edu/senate) instead of in hard copy format.

Chair Brent reminded Senators that the Library would be hosting a reception for Senators to show us a new service immediately following today's Senate meeting.

Chair Brent stated that A.S. 1178, which appears on today's agenda, was not passed by the Organization and Government Committee, and therefore will not be reviewed today.

B. From the President of the University –

President Caret announced that enrollments were significantly above our targets for the second year in a row. We are looking at closing out the calendar year at about 2.8 to 3% above the budgeted target. It continues to be a challenge for us. We are looking at roughly 600 FTE students being added fall-to-fall, and at least 1/3 of that number not being funded in the year in which they arrive. We are working with the system to see if there is any additional enrollment money available, and if there is, we are number one or number two on the queue to get new enrollment money. However, at the moment there is no additional enrollment money available. The reason that is true is because the budget continues to be an unknown. We hear numbers from 10 to 20 billion dollars in deficit for the state. Until those numbers are firm, we're just not going to have any real sense of the budget. Our system continues to plan for a budget that would be cut, in addition to the 1% base that we lost last year, by as much as 5% additional base next year. We have plans in place to address this issue if it turns up sometime between May and June. It won't be too much longer before we get a better estimate of the budget. At the moment we are still assuming we would get enrollment growth money at our projected level, and that we would be cut following that at some level up to as much as 5%. If that were all true, then we would end up with a net cash gain year-to-year. However, we have 1200 FTE students over that two-year period that we have to absorb with less money and fewer resources than we would normally have. Finally, if we do continue the hiring freeze, our primary approach is to maintain a rolling freeze on positions. We are trying to maintain a reasonable buffer, so if there is a budget cut we won't have to fire anyone. President Caret then announced that he would have to leave early today, right after the AIM discussion.

Questions for the President:

Senator Singh asked how a 5% base budget cut would affect us. President Caret said that we lose approximately \$1.6 million per every percent in base budget cut. Thus, a 5% cut would be about \$6 million dollars. This is a pretty significant cut. This is why freezing the positions is crucial, to allow us to stockpile some money to use in that event.

Senator Williams said many of our colleges don't have access to some kind of technology service that people can dial into from off campus without having to pay for it out of pocket. Senator Williams asked President Caret if he had any contacts in the community, or knew of any companies that might donate some equipment to the university for this purpose. President Caret said that all the buildings on campus had been wired, plus there was money coming in for infrastructure too. However, he said what he thinks Senator Williams is dealing with is the off campus connectivity. What is happening there is that our modem pool is very, very old. If you dial directly in it often doesn't work. With internet access increasing, President Caret believes the demand on the modem pool will decrease. However, they are trying to maintain the modem pool. Senator Williams said that they won't give out the modem number. President Caret said that he has the modem number, but doesn't think he should give it out. He will find out about this for Senator Williams.

IV.

Executive Committee Report –

A. Executive Committee Minutes

Executive Committee Minutes of March 18, 2002

Questions:

Senator Stacks said item #2 says there was a referral on EO 792. Senator Stacks asked what EO 792 is. Chair Brent will check on this. Senator Malloy asked for clarification on item #7. Will there be some sort of a presentation about Year-Round Operations? Chair Brent said yes, there will be a first reading of a Sense of the Senate Resolution on Year Round Operations jointly presented by the Curriculum and Research and Instruction and Student Affairs Committees at our next meeting.

Senator Buzanski asked what decision was made regarding item #8. Chair Brent said a referral was made to Organization and Government.

Executive Committee Minutes of April 8, 2002**Questions:**

Chair Brent said that item #8 was discussed at today's Executive Committee meeting. The 3, 5, and 7% increases on faculty salaries represent increases over last year's summer schedule. Assistant Professors would be paid 7% more, Associate Professors would be paid 5% more, and full Professors would be paid 3% more than they were last year. In addition, faculty will receive money directly from open university students.

Senator Norton asked whether it was necessary to have a naming committee to rename Clark Library as discussed in item #6 and that the name "Clark" should be retained. Chair Brent said that the naming committee would decide whether to rename Clark Library to Clark Hall.

Senator Malloy said that item #5 refers to a final reading of the Worker's Rights Consortium at the next Senate meeting. Senator Malloy said that the Senate had never really heard the first reading. Chair Brent said that the Executive Committee had today approved a resolution on the Worker's Rights Consortium that will be brought to the Senate for a final reading at our next Senate meeting. Chair Brent said that Senator Martinez had introduced the Worker's Rights Consortium resolution right before we had to adjourn at the last Senate meeting. Senator Malloy said it was never discussed. Chair Brent said that the resolution to be brought to the next Senate meeting is an alternative Worker's Rights Consortium resolution. The Executive Committee voted and approved the alternative resolution and it will be brought to the Senate at the next meeting. Senator Stacks said that Sense of the Senate Resolutions do not have to go through two readings. Senator Norton said no policy, except a bylaw change, has to go through two readings.

Executive Committee Minutes of April 8, 2002**B. Budget Advisory Committee Minutes – None****C. Consent Calendar**

Phyllis Connolly was approved for appointment to the Organization and Government Committee to replace Nancy Lu through the end of the Spring 2002 semester.

V.

Unfinished Business - None

VI.

Policy Committee and University Library Board Action Items. In rotation.**A. Instruction and Student Affairs Committee-**

Senator Nuger presented AS 1173, Policy Recommendation: Revisions to Plagiarism Policy (Final Reading). Senator Nuger summarized the resolution. Senator Shifflett presented an amendment to strike 4.0 and 4.1. **The Shifflett amendment passed.** Senator Nellen presented an amendment to strike the word "ownership" from 2.0. **The Nellen amendment passed. Senator Nuger presented a friendly amendment to add "to third parties" after the end of section 2.1. Senator Shifflett presented a friendly amendment to add "4.0 Student Notification" and "4.1 Future publications of the course catalog and schedule of classes shall incorporate a statement indicating that the university and/or its faculty may subscribe to and use plagiarism detection services."** Senator Stacks presented an amendment to change the word "many" to "some" in the 2nd whereas clause. **The Stacks amendment passed with two abstentions. The Senate then voted and passed AS 1173 unanimously.**

B. University Library Board –

Chair Heisch stated that one of their new Reference Librarians will demonstrate some new software immediately following this meeting. A drawing for gift certificates will be held at the end of the demonstration.

C. Professional Standards Committee -- None**D. Curriculum and Research Committee – None****E. Organization and Government Committee –**

Senator Stacks presented AS 1177, Policy Recommendation: Modifications to S96-9: Procedures for the Board of General Studies (First Reading). Senator Stacks gave a summary of the policy recommendation.

Questions:

Senator Dorosz said he was a little confused about why a proposed policy change would first go to Course Coordinators rather than going directly to the Curriculum and Research Committee, which would then propose a change in policy to the Senate. Senator Dorosz said that Course Coordinators are not always known. Therefore, they usually notify the Associate Deans and Department Chairs.

Senator Buzanski said that the section following IV. D should read "a through d," rather than "1 through 4."

Senator Manning said she has a number of questions. Senator Manning said it is important to be told about when a course is going to be evaluated, and to get that information in a timely fashion. Senator Manning then said that appeal rights are not mentioned anywhere in the policy. Senator Manning believes one of the problems with the Board of General Studies (BOGS) has been, not so much the procedures and policies, but sort of the mysteriousness with which decisions are made. Senator Manning feels we need something in the policy about the philosophy of BOGS. Senator Manning asked if approval of a course was contingent upon getting GE approval. It seems like a course has to be approved every semester. Senator Manning also asked about the possibility of adding language limiting how big the packets should be that have to be turned into BOGS.

Senator Veregge said there is another policy that deals with appeal. Senator Veregge said she would look up the policy.

Senator Dorosz said that Senate committees are open to the public except when discussing personnel issues. Senator Dorosz asked for clarification as to when the BOGS meetings would be closed. Senator Norton said that Standing Rule 18c states when Senate committee meetings will be open/closed. Senator Dorosz said that BOGS is not covered by Standing Rule 18c, so perhaps a statement could be added.

VII.

Special Committee Reports –

A. University Information Technology Board:

Senator Nellen presented *AS 1175, Policy Recommendation: Information Technology Resources Responsible Use Policy (First Reading)*. Senator Nellen summarized the policy recommendation.

Questions:

Senator Norton said on page 10 under Past Policy Compliance there was a word or something missing. Senator Nellen said that it should read, "the IP administrator is authorized by the President". Senator Norton also said on page 11, second paragraph, under "h" it says that, "any employee may observe a violation and report it." Senator Norton said he believes this should read, "any employee who observes a violation may report it."

Senator Buzanski said that the third resolved clause contains a word not in his Oxford Dictionary. The word is "metatag." Senator Buzanski asked what this word is. Senator Nellen said that it is part of the computer/html language. Senator Buzanski asked if the policy recommendation shouldn't have an explanation of what this word means. Senator Buzanski said he was concerned about members of the Executive Committee being able represent faculty on the IT Board when there is no quorum (under A.Scope). Senator Buzanski said he feels that we need not give any more powers to the Executive Committee, and since we are under year-round operations, all committees should be meeting year-round. Senator Buzanski said he had a question about number D, Policy Application, item #1. Senator Buzanski asked if this meant that he could not send a friend a copy of an article from the Wall Street Journal. Senator Nellen said this was a good question. Senator Buzanski said that he received a password so that he could view the building of the Martin Luther King Jr. Library online. Senator Buzanski said he had given this password to some of his friends in the community, and asked if this was illegal under this new policy. Senator Nellen said it would only be illegal if there were a prohibition on giving out the password.

Senator Singh asked what prompted the development of this policy recommendation. Senator Singh also asked who decides what is "offensive." Senator Nellen said that while an individual has a right to freedom of expression, they need to be respectful of other people and what may be offensive to them. Senator Singh said that in academia we have to be careful about infringing on freedom of expression. Senator Singh asked who was going to monitor and decide what is offensive to the community. Senator Nellen said that some monitoring is being done by the system for our own protection.

AVP Gorney-Moreno said that there have been attacks on our computer system, and that they have brought the whole system down on a couple of occasions. AVP Gorney-Moreno said she has also had to deal with issues of students using our server to sell personal items, etc. There is nothing out there in the form of a policy that tells people what is inappropriate.

Senator Stacks asked which IT administrators are responsible for various issues. Senator Stacks also asked whether Page 5, D, 3, gives IT officials the right to "sniff" traffic on the server. Senator Stacks asked who will determine which machines are enough of a risk to warrant being shut off the network. Senator Stacks said she hoped that these type of actions would be reported to the IT Board each semester. Senator Stacks said under page 5, E, 1 who will determine if a person is qualified as an authorized university official? Senator Stacks asked if page 6, E, 3 meant backups done on campus may not be acceptable based on someone's decree, and that new data stored on central computing resources can be purged. Senator Stacks asked how much time will be given as advance notice, and will the academic year calendar be taken into consideration? Senator Stacks also asked who are the senior information IT administrators referred to on page 7? Senator Stacks asked who determines the level of one's authorization? Senator Stacks said she was concerned about the balances and tradeoffs in terms of political advocacy. Senator Nellen encouraged Senators to go online and read those particular code sections. The law is actually restrictive in this area. Senator Nellen said this is also addressed in our Professional Responsibility policy. Senator Stacks asked what the level of communication was between the IT Board and Telecommunications on campus. Senator Stacks also

asked that in the last resolved clause, the committee add wording about forwarding the Guidelines to the Senate for Senate approval.

Senator Shifflett said that she hoped that we would have an ethic in the IT area, and that it wouldn't just be a programmer determining what keywords would be used when scanning. Senator Shifflett asked for clarification in item number 6 and 13 on page 7. What is scanning meant to be here? AVP Gorney-Moreno said that scanning is like when people are trying to catch credit card transactions. Senator Shifflett also asked what registering an SJSU IP address with any other domain name was, and said this doesn't make sense to her. Senator Nellen said this was when someone registered something using our IP address, but with a domain name that isn't SJSU's.

Senator Peter commended the committee on bringing this important policy to the Senate. Senator Peter suggested that the section on political advocacy be cut to a bare minimum. Senator Peter said that he doesn't think we need to restate the law if the law is clear, and we aren't authorized to give legal advice if the law is unclear. Senator Peter would rather us just say, "if you are interested this is where the law is" and leave it at that, so that there is no opportunity of appearing to endorse a restriction on academic freedom.

Senator Norton pointed out that the Senate occasionally endorses pending propositions. Chair Brent said that they debated this issue in Executive Committee, but he didn't know that they had reached a conclusion. Senator Peter said that the CSU Counsel General's Handbook said that when Senates endorse various propositions, it is probably okay if it isn't done too soon before an election.

Senator Nuger wanted further clarification about Senator Buzanski's questions as to whether it would be a violation of the policy if a copy of a Wall Street Journal article was emailed to a colleague, and whether this would be a copyright violation. Senator Nellen said that the Wall Street Journal's site would probably let you do it, as long as you weren't sending thousands of copies.

Senator Brievik said she likes the idea of simplifying where we are. However, she thinks it is very important that people be able to find the backup documents referred to in the policy. Senator Nellen said the policy has links to reference material in it. Senator Brievik said that she also thinks we have to be careful about balancing our concern for absolute freedom of expression with what is offensive.

Senator Singh said certainly we can't allow anyone to tamper with our records. What Senator Singh is referring to is academic freedom of expression/research in the classroom.

B. AIM Task Force:

Senator Peter presented *AS 1176, Sense of the Senate Resolution: AIM Task Force Report – Alleviating Faculty Workload at SJSU (First Reading)*. Senator Peter summarized the resolution.

Questions:

Senator Shifflett had a concern about multiple competing initiatives coming to the surface at the same time. Senator Shifflett said without some unifying theme to them, or some sort of cohesiveness, they could work against one another. Senator Shifflett suggested making a separate bullet focusing energy on this endeavor, and limiting or recognizing the potential drain on resources of competing initiatives. Senator Peter asked whether by "this endeavor" Senator Shifflett meant Workload Alleviation, and Senator Shifflett said yes. Senator Shifflett asked that another bullet be added under FTE to urge the state to fund full-time graduate students at the rate of 12 units to 1 FTE rather than 15 units to 1 FTE.

Senator Singh commended Senator Peter and the AIM Task Force on the resolution. Senator Singh said that sometimes we adopt a policy, but it isn't implemented because we don't follow through. We must contact the Governor's office and other legislators and get them behind us in implementing this policy.

Senator Buzanski congratulated the Task Force and Senator Peter. The Emeritus Faculty Association had an outing to the Moss Landing Marine Labs, and Senator Buzanski saw that the graduate students were being funded at a miserable rate. This is when he called this to the attention of the AIM Task Force, and they included this in the resolution. Senator Buzanski expressed his gratitude to the committee.

President Caret said that it was a commendable report. If we are to follow through with it and find a way to potentially implement it, it is going to require a great deal of political intervention, and a great deal of entrepreneurship. We are talking about a significant change in workload and hence funding. Also, when the report gets firmed up, he would make sure the data in the report is confirmed as correct. We don't want to put out incorrect data. President Caret said there are tradeoffs in all of this. We need to know where the faculty/student ratios actually are; where the assigned time really is; what is being done with extended education resources; what are they are doing with grants and contract resources as well as other soft money they bring in. If you look at San Diego or Long Beach, they are above us in grants and contracts they bring in, and this allows them to buy more assigned time. The point being that a lot of this is earned; it is earned by providing resources, through scholarship, through research, and even service, in some cases, to buy the assigned time to reduce the teaching load. The one place where politically we can do the most is with the Department of Finance on the funding formula. If we can get the Department of Finance to redo the funding formula to go from a 12 to a 9 teaching contact hour load for graduate faculty, that would make a significant difference in our funding formula because we have the highest percentage of graduates in the CSU

system. There are pieces of this that can all fit together. However, we would need to be politically astute, lucky, and also work with this in a way that shows we are not asking to be given something. We need to show we will be earning what we are asking for, and here is how we are going to pay for it.

Senator Stacks said that she went to a trustees meeting with David McNeil, and that one of the things the trustees were concerned about was marginal cost. Different universities had different funding for FTES, because of the window of when things got frozen, and the transition from the orange book. Senator Stacks assumed some of the difficulty, or the comparison with San Francisco State was that they actually admitted students in the early 1990s, and therefore got a whole base of people at a lower cost. This accounted for a lot of the discrepancies. President Caret said this is still true. They did take a lot of unfunded students, but a lot of that has been made up. When they went to YRO, they did slide some additional funding to San Francisco State to help make up for that. President Caret said he agrees with Senator Stacks that we need to look at that. Our on campus marginal costs are at a historical high. This works in our favor in this situation.

Senator Goodman commended the committee and Senator Peter for their hard work. However, he said "there is no free lunch here." Somehow we have to figure out a way to make this a reality. Looking at SJSU's entire budget, we are essentially a \$350 million institution. By 2007 or 2008, maybe we are a half a billion dollar institution. Then this won't look like that much money. However, to get to that other level of institution requires some quid pro quo. It cannot simply be a document that says give us all this, so we can reduce our level of work. Senator Goodman thinks it has to be a step-by-step process that says if we do this, we will have higher quality, which means better retention of our students that, by the way, saves us an enormous amount of money. It could mean taking steps that San Diego and SLO have taken, such as increasing fees on their campuses. A lot of the funding that can make this happen lies within our own ability to generate these type of dollars, whether it is through research, entrepreneurship, or extending our outreach programs. This has to be one of the major priorities of the university. Of course, we all know the "devil's in the details." The implementation plan that will make this happen still has to be worked out.

Senator Stacks said that it was good to bring up the committee workload issue. One of the things that Senator Stacks would like to see the Senate consider is the possible role of task forces. Senator Stacks also said that the university depends on Deans and Chairs to carry out a lot of the administrative workload for the departments. This is good because it keeps the faculty from having to do it, but it keeps the Deans and Chairs from being able to be proactive/entrepreneurial, and it keeps them from being able to deal with some of the development issues. Senator Peter said if Senator Stacks has some specific language she would like added, then she should get that to Senator Peter and he will get that to the committee right away.

Senator Young asked if the size of classes would be increased in order to decrease the number of classes taught. Senator Peter said the AIM Task Force chose not to endorse doing that. However, he does know that some departments are in favor of it.

VIII. New Business – None

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

A. Vice President for Administration – None

B. Vice President for Student Affairs – None

C. Associated Students President –

Senator Martinez announced that the Associated Students elections had been completed, and Senator Martinez was elected President for another year. Martinez announced there will be a Blues Festival on May 11th. Associated Students will be holding a Spartan Showcase, which is an all campus Talent S May 9th.

D. Statewide Academic Senate –

Senator Shifflett gave an update on "Lobby Day" which occurred a few weeks ago. Senator Shifflett said that it was very positive. Senator Shifflett said if not present, especially in times of fiscal restraint, you are forgotten.

E. Provost – None

X. Adjournment – The meeting adjourned at 5:00 p.m.