

2011/2012 Academic Senate

**MINUTES
April 16, 2012**

I. The meeting was called to order at 2:05 p.m. and roll call was taken by the Associate Vice Chair and Senator Frazier. Forty-four Senators were present.

Ex Officio:

Present: Von Till, Sabalius
Lessow-Hurley, Kolodziejak
Van Selst, Kaufman

CASA Representatives:

Present: Schultz-Krohn, Semerjian, Johnson
Absent: Fee, Correia

Administrative Representatives:

Present: Junn, Qayoumi, Bibb,
Bussani
Absent: Junn, Nance

COB Representatives:

Present: Nellen, Reade, Campsey

Deans:

Present: Stacks, Bienenfeld, Chin,
Merdinger

EDUC Representatives:

Present: Kimbarow, Swanson, P.

Students:

Present: Choy, Swanson, K., Uweh
Absent: Salazar, Minks, Sharma

ENGR Representatives:

Present: Gleixner, Backer
Absent: Du

Alumni Representative:

Present: Walters

H&A Representatives:

Present: Brown, Frazier, Desalvo, Fleck
Absent: Mok, Haramaki

Emeritus Representative:

Present: Buzanski

SCI Representatives:

Present: McClory, d'Alarcao, Wharton, Bros-Seemann

Honorary Senators (Non-Voting):

Absent: Norton

SOS Representatives:

Present: Heiden, Ng, Peter, Rudy, Terry

General Unit Representatives:

Present: Bettencourt, Kauppila

II. Approval of Academic Senate Minutes–

The Senate approved the minutes of March 12, 2012 as written.

III. Communications and Questions –

A. From the Chair of the Senate:

The 60th Anniversary of the Senate celebration was held on April 4, 2012 from 4:00 p.m. to 5:30 p.m. in Tower Hall. It was a wonderful celebration, the link to the event is on the President's webpage. The presentation from Dr. Roy Perez was very moving.

President Qayoumi's inauguration is Friday, April 20, 2012 at 9:30 a.m. in the Event Center.

B. From the President of the University –

President Qayoumi told Senators the inauguration ceremony was a celebration for the university as a whole, and encouraged everyone to attend.

Tom Bowen is leaving SJSU as the Athletic Director and heading for the University of Memphis. An interim director will be appointed and then a national search will be conducted.

The President will meet with five past mayors of San Jose including Mayor Mineta, Mayor Gray-Hayes, Mayor Gonzalez, Mayor Reed, and Mayor Hammer, tonight (April 16, 2012), from 7 p.m. to 9 p.m.

IV. Executive Committee Report –

A. Executive Committee Minutes –

March 19, 2012 – No questions.

B. Consent Calendar – The consent calendar was approved as written.

Election Results – The Senate election results were reported. The College of Business lost a seat, and the General Unit gained a seat for 2012-2013. In addition, Senator Van Hooff will be returning to the Senate for the last two meetings of the semester, but will then need to be replaced. The College of Humanities and the Arts has been asked to provide a replacement for one year, and the College of Science has appointed Assistant Professor Lionel Cheruzel to fill the vacant College of Science seat for one year.

C. Executive Committee Action Items: None

V. Unfinished Business: None

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

A. University Library Board (ULB) –

The ULB has been working on the Affordable Learning Solutions Initiative, and finding a way for the university to provide students with free or inexpensive learning materials. Students spend an average of \$1,000 a year on textbooks. Much of the discussion has been around using materials funded by foundations, such as the Open Stacks Project at Rice University which is funded by the Gates and Hewlett Foundations, and produces publication quality textbooks that are freely available. The ULB has also been discussing adopting the institutional repository for open access materials. Student theses are put on the repository automatically. Also, the ULB has sent a letter to the Provost and President asking that the Library be included in the Academic Plan as a vital element of the university.

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

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

Senator Bros-Seemann presented *AS 1475, Policy Recommendation, Bringing San José State University Policies into compliance with Federal Regulations Regarding the Definition of the Credit Hour (Final Reading)*. Senator d’Alarcao made a friendly amendment to change the reference in the 3rd Whereas to, “Coded Memorandum (AA-2011-14). **The Senate voted and AS 1475 was approved as amended.**

Senator Bros-Seemann presented *AS 1479, Policy Recommendation, Review and Approval Process for Academic Certificate Programs (First Reading)*. Senator Bros-Seemann explained that SJSU does not currently have a policy governing how certificate programs are reviewed and approved. This policy resolution requires that all courses in the certificate program be courses that have gone through the normal approval process. In addition, individuals submitting certificate proposals must justify the need for each course included in the particular certificate program. A suggestion was made to include a reference to Executive Order 806, which defines certificate programs.

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

Senator Kimbarow presented *AS 1474, Senate Management Resolution, AUTEC Committee, replaces SM-F06-4 (Final Reading)*. **The Senate voted and AS 1474 was approved as written.**

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

Senator Gleixner presented *AS 1476, Policy Recommendation, Appropriate Content for Material Containing SJSU Logo or Name (Final Reading)*. Senator Heiden presented a friendly amendment to add “policy” after “Violations of this” in the last paragraph, 3rd sentence. Senator Kauppila presented a friendly amendment to change, “Such content is defined and protected through the academic freedom and professional standards” to read, “Such content is defined and protected through academic freedom and professional standards.” Senator Lessow-Hurley presented a friendly amendment to change, “Exceptions to this policy would allow the use of the name and/or logo in teaching, scholarship, or professional duties” to read, “The use of the name and/or logo in teaching, scholarship, or professional duties is excepted.” Senator Van Selst presented an amendment to remove the sentence, “Such content is defined and protected through academic freedom and professional standards,” but the amendment was not seconded. Senator Bros-Seemann presented an amendment to change, “Such content is defined and protected through academic freedom and professional standards” to read, “The use of the name and/or logo in teaching, scholarship, or professional duties is excepted as defined and protected through academic freedom and professional standards.” Senator d’Alarcao presented a friendly amendment to the Bros-Seemann amendment to change it to read, “The use of the name and/or logo in teaching, scholarship, or professional duties is excepted, since such content is defined as protected through academic freedom and professional standards.” The Bros-Seemann amendment, as amended by Senator d’Alarcao, was friendly to the body. **The Senate voted and AS 1476 was approved as amended with 1 abstention.**

Senator Gleixner presented *AS 1480, Policy Recommendation, Amends F06-2, Unauthorized Recordings of Class or Sharing of Instructor Material (First Reading)*. The

Senate discussed several issues surrounding the possible recording of class lectures including what constitutes “permission,” as well as whether the Disability Resource Center (DRC) had been consulted. A Senator noted that many of our freshmen students are still minors their first semester, and getting their permission may not be all that is required. It was suggested that the I&SA Committee confer with the DRC to ensure the language in the policy was “inclusive enough.” Several other issues were raised such as whether the I&SA Committee had been able to clarify whether class lectures were considered confidential, and therefore recording them would be prohibited by California Penal Code, or whether they are considered public forums.

Senator Gleixner presented *AS 1481, Policy Recommendation, Administration of Student Opinion of Teaching Effectiveness (SOTE) Evaluations Online (First Reading)*. According to a pilot done by the Student Evaluation Review Board (SERB) there is no statistical difference between the ratings given on online SOTEs, and the ratings given on paper SOTEs. However, the response rate online is low. The Office of Institutional Research (OIR) will attempt to increase the response rate during the initial kickoff by having raffles, and it will be accessible from a mobile device such as a cell phone. Another concern was whether the contract and California Faculty Association (CFA) regulations would allow online SOTEs. Senator Gleixner noted that online SOTEs are already in use at SJSU for online classes and for the School of Library and Information Sciences. In addition, two CSU campuses currently have online SOTEs under the same CFA contract. The Senate discussed the contract and it was brought to the I&SA Committee’s attention that the two campuses that have online SOTEs are in violation of the CFA contract. The Chancellor’s Office has ruled that the contract calls for “written evaluations,” and that written evaluations do not include online SOTEs. The Senate discussed the need for a “meet and confer” with the CFA. In addition, concern was raised about how to get the current online response rate of 31% up closer to the written response rate of 73%, and whether allowing time in class for students to use smart phones and laptops to do online SOTEs would be seen as slanting things in favor of those with smart phones and laptops, since only 25% of students in some surveyed classes had smart phones and/or laptops to use.

Senator Gleixner presented *AS 1482, Policy Recommendation, Sound Level at Campus Events (First Reading)*. Currently, Presidential Directive (PD) 2001-1 restricts amplified sound at campus events regardless of decibel level. The list of locations where amplified sound can be used is outdated and many of the locations no longer exist. This policy would allow sound (amplified or otherwise) under 65 decibels at campus events without approval. Sound in the 65-85 decibel range would be allowed if approved by Student Union Event Services, and campus events with sound in the 85+ decibel range would only be allowed in specific locations. Several issues were discussed such as why this issue was not being addressed with a change to the existing PD by the President’s Office. Senator Gleixner responded that this policy, and the AS 1483, were referrals from students on I&SA. The I&SA Committee approached the President’s Office about amending the Time, Place, and Manner PD, but there are several different areas addressed in this PD and the President’s Office did not wish to amend the entire PD at this time. The Senate discussed the fact that the decibel rating ensures that students participating in an event, such as a protest, know how loud they are. In addition, the University Police Department (UPD) has reviewed and concurs with

the policy.

Senator Gleixner presented *AS 1483, Policy Recommendation, Advertising Campus Events: Flyers, Banners, Chalking, etc. (First Reading)*. PD 2001-1 gives a list of bulletin boards and kiosks that flyers and posters can be posted to, but this list is completely outdated. This policy resolution would establish the Office of Student Involvement as being responsible for establishing and keeping up-to-date a list of locations that these items could be posted to as well as locations where electronic screens, A-frames, and chalking would be allowed along with establishing protocol for posting items. The Senate discussed the Campus Planning Board (CPB) and whether posting of banners is part of the CPB's charge, and if that charge would be changed as a result of this resolution. Senator Gleixner will review the CPB's charge, but noted that these are temporary banners and not permanent signs. Concern was raised that this resolution might be interpreted as applying to faculty that wished to post posters in their offices. Senator Gleixner noted that it was only meant to address public spaces, but she would make that clear before the final reading.

**VII. Special Committee Reports –
Report from the Faculty Athletic Representative (FAR), Senator Campsey, and the Chair of the Athletics Board, Senator Nellen.**

Senator Campsey announced that there were three parts to the presentation; the FAR Report, the Athletics Board Report, and the Coalition of Intercollegiate Athletics (COIA) Report. Senator Nellen commented that university policy F07-2 requires the Athletics Board to give an annual report to the Senate. The Athletics Board is charged with “promoting effective programs of athletics, protecting the environmental and educational rights of the athletes, and ensuring the integrity of the athletic programs.” However, “the Division of Intercollegiate Athletics has substantial control over its programs.” The Athletics Board reports to the Senate and the President.

Much of what the Athletics Board does involves monitoring. The Athletics Board has also become more involved in the Annual Student Athlete Awards Banquet. The Athletics Board gives out several awards of their own to the top men's and women's teams as far as GPA, and to the top Head Coach and Assistant Coach for their work with their students in this area.

Athletic Director Tom Bowen is leaving, but during his time at SJSU he raised the academic standard for SJSU student athletes. SJSU has achieved the highest ever overall GPA for student athletes of 2.886. In addition, 49% of the student athletes now have a GPA over 3.0. Several years ago SJSU was penalized for not meeting academic standards, but now students are well aware of the focus on academics.

Senator Campsey commented that any university that sponsors a sport must have a FAR to ensure academic integrity, to represent the university and its faculty to the NCAA, and to promote a balance of academics, athletics, and a social life for the student athletes.

Last August Athletics received a letter from the NCAA saying that we are certified. Certification means that the university is operating its Athletic program in conformity with operating principles adopted by the Division I membership.

SJSU had 10 student athletes that earned a 4.0 GPA, and eight teams that averaged a 3.0 GPA. Also, 129 of our student athletes were honored by the National Consortium for Academics. In addition, Men's Cross Country, Football, Women's Basketball, Gymnastics, Women's Soccer, and Softball had their highest ever Fall term GPA. This was the highest GPA for these teams since we started keeping records.

In 2004-2005 the Academic Progress Record (APR) score that was needed in order not to be put on probation by the NCAA was 925. That year our Baseball, Football, Basketball, and Men's Soccer teams were all put on probation and lost scholarships, practice time, etc.

Every student athlete that has a scholarship is able to earn 2 points per semester. One point is for being eligible, and one point is given if he/she is retained for the semester. The bottom line is that now 93% of our student athletes have to get those points in order for SJSU not to suffer penalties.

This year three of our coaches were recognized by their NCAA peers for swimming/diving, basketball, and gymnastics. Coach Sage Hopkins was recognized as the swimming/diving coach of the year, and also won the 2011-2012 championship. Our new women's basketball coach, Tim La Kose, took the team from 2 wins last year to 11 wins this year. This improvement earned the coach recognition as the women's basketball coach of the year. Our gymnastics team falls under western region not WAC, but our coach, Wayne Wright, was named western region coach of the year. In addition, Tomasino Wallace, one of our gymnasts was recognized as gymnast of the year. Senators were encouraged to go see their student athletes compete this week.

The Student Athlete Advisory Council has put together a field day for children that are 7 to 12 years old this Saturday at the Spartan Stadium. SJSU student athletes from eight or nine of our teams that aren't competing this weekend are putting this together, and the kids that attend will also be given a free ticket to the baseball game on Saturday.

The Coalition of Intercollegiate Athletics (COIA) is a group of 53 Academic Senates across the country. Senator Campsey is SJSU's representative to COIA, and also the WASC member for the steering committee. COIA held its annual meeting in Tulsa in January.

There were five recommendations that came out of the Tulsa meeting. COIA is opposed to "pay for play." It is a proposal that has been adopted by the NCAA that would allow student athletes to receive \$2,000 per year from their athletic departments. Some of the conferences have adopted this, and some have not. However, COIA is opposed to it. COIA is recommending keeping the Division 1 conferences under the NCAA. There are 31 Division 1 conferences, but only 11 Division 1A conferences. There is an increase in efforts to combat reputational risks. There is a great deal of concern that Pennsylvania State was trying to protect the football team's reputation instead of doing the right thing. COIA is coming out in support of combating these

type of problems. COIA is also continuing to try and meet the needs of the athletes. COIA is endorsing the exploration for congress to approve anti-trust exemption for the NCAA. Giving the NCAA anti-trust exemption would allow the NCAA to exert more control over an out-of-control athletic situation.

Questions:

The Senate discussed whether the FAR kept a close watch on whether the Athletics Division was receiving more than 2% of the general fund as was called for in a Sense of the Senate Resolution a few years back. The Athletics Board monitors this. The Athletics Director, Tom Bowen, also takes this very seriously. The Senate discussed the need to really increase athletic fundraising every time that student fees go up to raise scholarship funds. This is a great burden for the Athletics Division. The Senate discussed the need to watch over this when a new Athletics Director is hired.

The Senate discussed whether SJSU would be moving out of the WAC. SJSU has applied to the Mountain West Conference, but is waiting to hear back from them. We will know no later than June 1st.

The student athlete population is only 2% of the student body. The Senate discussed the size of the student support services for the athletes, and where the funding is coming from. Some of the services are paid for by Academic Affairs. There are two learning support specialists and three academic advisors supporting 450 student athletes.

The Senate discussed the lack of women head coaches. This is a concern for the Athletics Division. However, during the last head coach search there were 76 applicants and only 6 were women. The Athletics Division is struggling to get good pools of applicants that include women.

The Senate discussed the denial of some of the women athlete's scholarships. Senator Campsey responded that student athletes can appeal the coach's decision. The appeal is handled completely by Financial Aid.

The Senate discussed the creation of a search committee for the Athletics Director. It was determined that the university does not have a policy governing searches for an Athletics Director, and that the Athletics Director search would not fall under the Selection and Review of Administrators policy, S06-3.

VIII. New Business – None.

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

A. Provost – No report.

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

C. Vice President for Student Affairs – No report.

D. Associated Students President –

AS is having a Student Leadership Gala which will be combined with the AS 55 Award Ceremony on May 3, 2012 at 6 p.m. in Morris Daily Auditorium.

AS recently had their annual elections, and Calvin Worsnup will be the new AS President.

AS approved the AS Vision and 2017 Strategic Plan last week.

E. Vice President for University Advancement – No report.

F. Statewide Academic Senators –

The CSU Statewide Senate's Faculty Affairs Committee discussed two academic freedom issues. The CSU Statewide Senate voted on an amendment to the constitution, but the amendment was denied by the Board of Trustees and General Counsel. The last two meetings the CSU Statewide Senate conferred with the General Counsel, and now have a change that the General Counsel can support.

The committee then discussed the lack of policies governing emeritus faculty and their rights, and what the definition of a department, school, and college is. SJSU only has a definition of what a school is. SJSU may want to develop some guidelines and definitions.

The Executive Committee of the CSU Statewide Senate discussed State University Grants (SUGs). Much of the discussion centered on making sure that there were not unanticipated consequences.

X. Adjournment – The meeting adjourned at 4:55 p.m.