

2015/2016 Academic Senate

MINUTES  
April 4, 2016

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

**Ex Officio:**

Present: Kimbarow, Amante, Van Selst, Lee  
Absent: Heiden, Sabalius

**CASA Representatives:**

Present: Lee, Shifflett, Sen, Grosvenor  
Absent: Schultz-Krohn

**Administrative Representatives:**

Present: Larouchelle, Martin  
Absent: Lanning, Blaylock, Feinstein

**COB Representatives:**

Present: Virick, Sibley, Campsey

**Deans:**

Present: Green, Jacobs, Stacks  
Absent: Hsu

**EDUC Representatives:**

Present: Mathur, Laker

**Students:**

Present: Abukhdeir, Medrano, Sarris,  
Sandoval-Rios  
Absent: Gay, Romero

**ENGR Representatives:**

Absent: Hamedi-Hagh, Sullivan-Green, Backer

**H&A Representatives:**

Present: Frazier, Bacich, Khan, Grindstaff  
Absent: Riley

**Alumni Representative:**

Present: Walters

**SCI Representatives:**

Present: Kaufman, Beyersdorf, Clements  
Absent: White

**Emeritus Representative:**

Present: Buzanski

**SOS Representatives:**

Present: Peter, Curry, Wilson  
Absent: Coopman

**General Unit Representatives:**

Present: Matoush, Kauppila  
Absent: Medina

**II. Approval of Academic Senate Minutes–**

The minutes of March 7, 2016 were approved as written (34-0-2).

**III. Communications and Questions –**

**A. From the Chair of the Senate:**

Chair Kimbarow announced the results of the Spring 2016 Senate elections and that there were a number of Senate seats left vacant. The Executive Committee, in consultation with the Senators from the colleges with vacancies, will now appoint faculty to those seats for one-year terms.

On Monday, April 11, 2016, from 10 a.m. to Noon, there will be the first of a series of campus climate conversations in the Student Union Theatre. There will be breakout sessions of small groups to facilitate conversations about campus climate. One additional session is planned this spring and then more in the fall.

CommUniverCity's 11th anniversary gathering, Celebrating Partnerships, is April 27, 2016 from 4:30 p.m. to 7:00 p.m. at the Roosevelt Community Center in San Jose located at 901 E. Santa Clara Street. Executive Director, Dayana Salazar, and Katherine Kao Cushing, Associate Director of CommUniverCity, would like to extend a personal invitation to members of the SJSU Academic Senate to attend.

President Martin has invited all Senators to attend an end of the semester celebration at her home on Sunday, May 1, 2016, from 4 p.m. to 6 p.m.

There are eight days left for a settlement to be reached between the CFA and the Chancellor before the faculty strike. We are all hoping that this is resolved but if it is not, Senators were encouraged to remember that the dispute is not between the faculty and the administrators on campus. Senators were encouraged to maintain a kind and supportive community in the face of what could be a difficult and challenging situation.

**B. From the President of the University –**

Interim President Martin is working closely with incoming President Papazian. President Papazian will make the final selection of the Chief Diversity Officer and the Vice President for Administration and Finance.

Interim President Martin announced that if a strike does occur, services will still be available for students.

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

**A. Vice President for Administration and Finance (VPAF) –**

SJSU will be breaking ground at the end of this semester on the new Student Recreation and Aquatic Center. This project is being funded out of student fees that were approved by the students in 2007 as part of the Student Union and Facilities fee. The first project was the Student Union expansion and renovation and the next project is the Student Recreation and Aquatic Center. The Student Recreation and Aquatic Center will be located next to the Event Center where Royce and Hoover Hall are currently located. Royce and Hoover Hall will both be demolished and only Washburn Hall will remain. The new Student Recreation and Aquatic Center will be about 124,000 square feet and it is two stories. The first floor will have a climbing area and multi-activity use court as well as cardio equipment, locker rooms, and rest rooms. The second floor will have an indoor track, then there is more space for cardio equipment as well as rooms for fitness classes. There will be lots of windows and gathering places. There will be pools and BBQ space as well. Construction will start this summer and the Aquatic Center will be closed at the end of this semester. The project should be completed in early 2019.

Questions:

Q: What is going to happen to our competitive swimmers, are we replacing the

housing that is being knocked down in some way, and are we using the same contractor we used for the Student Union?

A: No, we will not be using the same contractor. There will be a significant impact on our water sports athletes. Their conferences and practices will be held offsite. It will be painful for those student athletes. As for housing, Campus Village 2 will be ready for fall and will hold 800 students, so when we knock down Royce and Hoover Halls, we will still have a net increase in housing for 400 students.

Q: What is going to happen to the space in our current Event Center that is now used as a weight room and some multipurpose rooms?

A: That is still being evaluated, but we are looking at using it as dedicated space for our sports club teams such as Rugby, Hockey, and Judo.

Q: Currently we have a recreation pool that is also used for competition. Does having both a recreation and competition pool mean that the competition pool will be used only for competition?

A: Interim VP Larochelle commented that she could not answer what the programming plans were for the pools right now, but the intention is that there is a recreation pool and a competition pool that does allow for swimming as well. The pools will still be managed by the Student Union, and faculty and staff will have the opportunity to buy a use permit. That will still be available.

Q: What about energy consumption, will the pools be solar powered?

A: From a sustainability perspective, we are still discussing at what level of being certified we are going to be. We are shooting for the “gold” certified. It will have dual plumbing from a recycled water perspective. We haven’t discussed solar power. What we do have from a solar perspective is the 7<sup>th</sup> Street garage.

Q: Will the old recreation center be completely closed, or just closed for the summer?

A: The Recreation Center will be open throughout, but the Aquatic Center will be closed in order to begin the site preparation.

Q: When will the Student Union be fully opened?

A: They are all moved in!

Q: You can’t walk through right now.

A: The bookstore hasn’t moved in yet, but the fact that you can’t walk through it is news to me.

The official celebratory opening will be in the fall semester.

**B. Vice President for Student Affairs (VPSA) – Not Present**

**C. Associated Students President –**

AS will start elections next week for the AS Board members, and the new AS Board will take over on June 1, 2016.

AS is working on “Celebrating Diversity Day.” This is a day of celebration of the different cultures, etc.

AS will also be involved with the Campus Climate discussions this coming week.

AS has been lobbying to get more money for the CSU and faculty.

AS is working on a renter’s rights campaign with the city of San José.

AS is celebrating Sexual Assault Awareness month.

AS is hosting the CSSA meeting on campus and this is the first meeting held at SJSU in ten years.

AS President Amante is graduating this semester. The Senate thanked President Amante for her service this year and congratulated her.

**D. Vice President for University Advancement (VPUA) – No report.**

**E. CSU Statewide Senators –**

Senator Lee reported that the CSU Academic Senate will meet the week of May 20, 2016. Senator Van Selst reported that a lot of attention has been given to the quantitative reasoning taskforce recommendation to add another year of quantitative coursework in high school and there is some political interest in that as well.

Senator Van Selst reported that at the CSU Statewide Senate, there was a recommendation that a Math course be required in the fourth year of high school. There is also a taskforce on quantitative reasoning looking at what the admissions and graduation standards around quantitative reasoning should be.

**Questions:**

Q: If this were to happen, when would the extra Math class be required?

A: I imagine that is multiple years away.

Q: Is that currently a requirement for UC?

A: No.

Q: So no one in California is required to take an extra Math class?

A: Not in California. However, there is also pressure for a “Principles in Programming” class in the High School Curriculum, so this class might fit there.

Q: What if you are at a high school that doesn’t offer the highest levels of Math and the student finishes all Math as a junior?

A: They are looking at different options. There is a lot of interest in addressing the unpreparedness of our incoming students.

F. **Provost** – No report.

V. **Executive Committee Report** –

A. **Executive Committee Minutes** –

**Executive Committee Minutes of February 29, 2016** – No questions.

**Executive Committee Minutes of March 14, 2016** –

Senator Buzanski inquired as to whether the proposal regarding the renumbering of university policies had been implemented as talked about in item #4. Chair Kimbarow replied that the Executive Committee had approved the proposal and the Senate Administrator is in the process of implementing the changes.

B. **Consent Calendar** – The Senate approved the consent calendar of April 4, 2016 as written.

The Senate Spring 2016 Election results were provided in the Senate packet.

C. **Executive Committee Action Items:**

Senator Peter made a motion to suspend the rules to present a Sense of the Senate Resolution from the floor. The motion was seconded. The Senate voted and the motion was approved by a two-thirds vote (35-0-0).

Senator Peter presented a *Sense of the Senate Resolution from the floor of the Senate, Calling for the CSU and CFA to Implement the Recommendations of the Neutral Fact-Finder's Report and Avert a Strike (Final Reading)*. **The Senate voted and the resolution was approved** (32-0-3).

VI. **Unfinished Business** - None

VII. **Policy Committee and University Library Board Action Items. In rotation.**

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

Senator Kaufman presented *AS 1602, Policy Recommendation, Course Syllabi (Final Reading)*.

Debate:

Senator James Lee presented an amendment to line 143 to add “reading assignment” between the two commas. The amendment was seconded. The Senate voted and the Lee amendment failed (0-35-0).

Senator Kaufman presented an amendment to add, “items such as” after “including” on line 143. The amendment was seconded. The Senate voted and the Kaufman amendment failed (0-35-0).

Senator Kaufman presented an amendment to add, “, and any other relevant information” after, “exam date and time” on line 144. The amendment was seconded. The Senate voted and the Kaufman amendment passed (24-4-2).

Senator Shifflett presented an amendment that was friendly to the body to remove the double comma on line 143.

Senator Bacich presented an amendment that was friendly to the body to line 206 to change “off” to “of” before syllabi.

**The Senate voted and AS 1602 passed as amended (34-0-0).**

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Senator Kaufman presented *AS 1608, Policy Recommendation, Student Rights and Responsibilities (First Reading)*.

There is a Student Rights and Responsibilities Policy that has been on the University books since 1990. As you can imagine, many federal and state regulations have changed over the past 26 years. This is an attempt to do something similar to what we did with the syllabi policy. Take all the relevant language and pertinent information scattered across different places on campus and combine it on one website where students can find it all, and the I&SA Committee would review and make updates to every year. The idea is to have a link to this website with further links to important information from all important websites, e.g. the VPSA website.

**Questions:**

Q: I’m really confused about what you mean on lines 48 and 49 where you say “students also have the right to challenge, within legal means, the scholarship of others on scholarly grounds.”

A: I think the idea is that honest debate in classrooms and within the university allows for scholarly work to be challenged by other scholarly work.

Q: What does “within legal means” mean?

A: I will take this back to the committee and get clarification on it.

Q: What was the reasoning for the Nay vote?

A: It was an abstention not a “Nay” vote. I believe it was someone that came in mid-discussion.

Q: When you bring this back for a final reading, could you drop “greensheets?”

A: Yes, thanks for pointing that out.

Q: Why are student organizations part of this list?

A: There is CSU policy that covers what it means to be an official student organization and with that comes certain rights and responsibilities.

Q: Do students understand some of the terms on this list? For example, do they know what Academic Freedom means, or do they have to scroll down the list and click on the items to find out?

A: That's a good point.

Q: Has the committee discussed having one or two lines after each bullet point describing what can be found there?

A: This is a good suggestion.

Q: Is it the intention that the list be part of the policy?

A: No, I apologize. When I sent this to Eva I wanted these two lists to be examples, but they are not part of the policy.

**B. Professional Standards Committee (PS) –**

Senator Peter presented *AS 1611, Policy Recommendation, Rescinds S02-8, Information Technology Resources Responsible Use Policy (First Reading)*

In 2002, SJSU got a new Chief Information Officer who wanted to implement a Responsible Use Policy. He wrote the current policy and brought it to the Executive Committee and asked us to bring it to the Senate and we did. However, the Senate had no role in writing the details of that policy.

In 2013, the CSU came out with its own Responsible Use Policy for all campuses. That policy largely duplicates our policy. We have been asked to rescind our policy. The PS Committee has reviewed both policies and see no reason to keep ours in place. Therefore, we are planning to abolish the campus Responsible Use Policy.

Questions:

Q: Is there a reason not to waive the first reading?

A: We thought about that, but felt we should give the campus time to review it and see if anyone has any objections.

Q: There is a campus policy that talks about email communication, is that involved here?

A: No, that is another policy and we will be addressing that later today.

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Senator Peter presented *AS 1610, Policy Recommendation, Electronic Information and Communication (First Reading)*.

This policy is being presented to replace our 1997 policy. That policy came online when we began to become concerned that more and more faculty were using email and would like to maintain a certain level of privacy when they did so. However, it was clear that the university email could never be completely private. Even at that time

there were freedom of information act requests that could by law open a person's email to examination, and then there were other possibilities. The key element of the old policy was that all electronic mail in authorized email accounts would be considered private and confidential, except as required by state or federal law. Over the years concerns have been voiced. Most recently there have been some requested changes that were sent to the Organization and Government Committee and then on to the Professional Standards Committee. We discovered many other issues and we believe that if this comes back to you as a second reading, it will come back in a different form. Nevertheless, we wanted to get the discussion going, so we brought this version for a first reading.

**Questions:**

Q: When I look at line 72 on the third parties, and given that we use Gmail, clearly they are watching who I send emails to because it fills in the line for me when I start typing. This would suggest Gmail is watching what I do and that would be a third party.

A: There are lots of issues around privacy.

Q: Has the PS Committee seen our agreement with Google?

A: No. We haven't asked to see it yet. One concern is that because of FERPA laws, the official email account needs to have certain characteristics that can only be guaranteed with a contract. This is a separate issue.

Q: We don't know if the terms of our current contract meet this requirement do we?

A: Yes, that was the whole purpose of going to a contract with them.

**C. Organization and Government Committee (O&G) –**

Senator Shifflett presented *AS 1594, Policy Recommendation, Update of Policy on Selection and Review of Administrators (Final Reading)*.

Senator Shifflett presented an amendment that was friendly to delete "two" on line 110 before "department chairs," and to make "department chairs" read "department chair."

**The Senate voted and AS 1594 passed as amended** (32-0-0).

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Senator Shifflett presented *AS 1612, Policy Recommendation, Special Agencies (Modification of bylaw 10) (Final Reading)*.

**Debate:**

Senator Shifflett presented an amendment that was friendly to the body to add on line 32, "d) Budget Advisory Committee" after "c) Athletics Board" on line 31, and then re-letter the rest of the items. Senator Shifflett presented an amendment that was friendly to the body to insert after line 20, a new whereas to read, "Whereas: A new Special Agency (Budget Advisory Committee) was created fall 2015, and." **The Senate voted and AS 1612 was approved as amended** (28-0-0).

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Senator Shifflett presented *AS 1603, Policy Recommendation, Committee Obligations and Senate Membership (Modification of Bylaw 6) (Final Reading)*.

**Debate:**

Senator Shifflett presented an amendment that was friendly to the body to add the word “other” before “special, or special agency” in lines 189 and 198.

Senator Shifflett presented an amendment that was friendly to the body to change line 155 to read, “members of the Senate policy committees.”

Senator Shifflett presented an amendment to change line 156 to add, “unofficial” before “designee or representative.” The amendment was seconded. Senator Shifflett withdrew her amendment.

Senator Frazier made a motion to return to committee for clarification as to how certain committees where the members are elected by the colleges, such as the Board of General Studies and the Board of Academic Freedom and Professional Responsibility, will be handled. The motion was seconded. **The Senate voted and the Frazier motion passed.**

**E. University Library Board (ULB) – No Report.**

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

Senator Mathur presented *AS 1607, Policy Recommendation, Restoring Options for Students with Quantitative Reasoning Disabilities Affecting Math Skills (First Reading)*.

At SJSU we have historically had processes in place for substitution of our general education Math requirement. The general education Math requirement has changed over time. This policy recommendation provides a pathway for providing students with quantitative reasoning disabilities with reasonable accommodations. For these students, this would be a collaborative effort. Students would be involved, departments would be involved, as well as Graduate and Undergraduate Studies.

**Questions:**

Q: Can we interpret that to mean there can be situations when an accommodation is not made?

A: The Senate Chair recognized Cindy Marota, Director, Accessible Education Center (AEC). Director Marota responded that this was correct. Not every student that is requesting a math substitution will be allowed that substitution. We are not asking for a waiver, just a course substitution where math is not an essential requirement. We cannot and would never waive, or substitute out, an essential element of a major. It is only for

those majors where math is not an essential function.

Q: Why a Senate policy? Aren't we obligated under law to accommodate students with disabilities?

A: Yes, this is a law. The AEC has been trying for a very long time to get a formal policy in place so it is recognized and the student can go through the process seamlessly.

Q: But, there are a number of other disabilities that are taken care of without a Senate policy, so why do we need one for this?

A: The AEC was told that it needed to take this route. Chair Mathur responded that, "With this particular disability, there has been some disagreement with some of the administrators as to whether there should be a substitution or not. Prior to 2008 there was a process in place. That process was modified in 2008 and eliminated completely in 2010. This is why we are moving forward with this policy.

Q: Can you summarize what was said and why there is disagreement with the law?

A: Some people feel that the B4 requirement is a core competency and we should not make any substitution for any student.

Q: There are many programs that will not do a waiver, will there be a list of the majors that will accept the waiver?

A: Just to clarify, we are not asking for a waiver. We are asking for a substitution. I'm assuming that departments will go back to their old process of what was effective for persons with this disability and maintain a list. However, they will always consult with the degree program when requesting a substitution.

Q: What about the other types of disabilities or learning differences, should we have a policy about a specific type of disability or a policy that covers all of them?

A: This math substitution has always been such a hot topic, because some people don't believe it is a real disability. The law clearly states that you cannot have a student's GPA affected by taking these courses over and over again. It also becomes a financial burden as well. With no procedure in place at SJSU, we are at high risk. The thought was to come to the Senate and see how we could work this.

Q: Thank you Cindy for coming today. You and I have had many conversations about this in the past. As I understand it, the difference at the high school level is that students can achieve according to the best of their abilities, but at the college level the student has to meet the standard regardless of what their disability is. Can you tell me how the substitution is designed to ensure they meet that standard?

A: In the secondary education system, the laws are different. In the secondary education system, a student with a disability must have accommodations in place or services to assist them to graduate. When the student comes to a four-year university, the standard changes to "otherwise qualified." This means they must meet the application standards for the university. Once they are in, they are held to the "otherwise qualified" standard with accommodations. They are not guaranteed success. It is leveling the playing field. This policy would say the university is recognizing a disability that is real and is recognized for

a student diagnosed with this that is in a major that does not require math as an essential function. These students will be treated equally in their major with accommodations to attempt all those classes.

Q: What is it that guarantees departments the right to reject the waiver?

A: This is a reminder that this is not a waiver. When it says collaborative efforts of the SJSU program, it does not mean they have to agree. If the department feels it is an essential part of the degree, they can advise the student to choose another pathway for a degree program.

Q: I would encourage you in the second reading to make that more explicit.

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Senator Mathur presented *AS 1609, Policy Recommendation, Amendment to F13-2, Technology Intensive, Hybrid and Online Courses and Programs (First Reading)*.

In 2002 the CSU put out Executive Order 1098 to eliminate the SSETF. Executive Order 1098 specified that no additional miscellaneous course fees, except for field trips, were authorized. In 2013, we passed our Technology Intensive, Hybrid and Online Courses and Programs Policy. There is an extra fee exemplar in that policy that allows for charging students for proctoring. This is not allowed now according to Executive Order 1098. This amendment is to remove that exemplar and substitute it with the statement in the resolved clause as follows: “Any course that requires students to pay extra fees for field trips (only allowable course fee according to CSU Executive Order 1078) must indicate so on the syllabus.”

### **Questions:**

Q: I’m not understanding the connection between field trips and proctoring?

A: In the Executive Order it eliminates the option for courses to charge extra fees with the exception of field trips.

Q: So are we saying they are going to take a field trip to the proctoring office?

A: No, we are just listing it because it is the only permissible fee.

Q: This policy is being brought to us entirely to deal with the proctoring?

A: That is correct.

A: Part of the process of getting the SSETF in place was to change the rules pertaining to the miscellaneous course fees. Then separate from that were the field trips that are still allowed. This is a situation that only applies to SJSU. All other miscellaneous fees are wiped out besides the SSETF, except for field trip fees.

A: Currently, in the policy, it says that any course that requires students to pay extra fees such as for proctoring, must indicate so on the syllabus. What we are doing with this amendment is trying to clean up that language and replace it with field trips which are the only allowable expense.

### **VIII. Special Committee Reports –**

#### **Campus Climate Survey Report** by Senator Meg Virick, Interim Director of the School of Management, and Scott Heil, Director, Institutional Effectiveness and Analytics (IEA)

The Campus Climate Survey was completed in Spring of last year. This was not the first time that a Campus Climate Survey had been done on campus. Previous Campus Climate Surveys were completed in 2005, 2006, and 2010.

The President's Commission on Diversity (PCD) took over handling the Campus Climate Survey. The PCD developed the questions on the survey. The goal was to develop a survey that they could use for comparison over time. Four different versions of the survey went out to students, faculty, staff, and administrators. The types of questions were a little different for each group. The analysis involved both quantitative and qualitative data.

There was a response rate of approximately 20%. The student response was slightly more female. It was about 5% higher than the rest of the population. The age of the population was pretty similar across surveys. The ethnicity followed the university demographic pretty closely.

Most of the survey respondents had a favorable or positive response. One example is the answer to the question about whether the respondent viewed the campus as being respectful or not, and 71% of students as well as 67% of employees believe that the campus is either very respectful or moderately respectful.

When it comes to negative attributes such as whether the campus is racist or sexist, a small minority says the campus is completely free of racism and sexism. However, in general we are broadly viewed as being on the favorable side.

Women did report higher incidents of sexism than men, and black students did report more experiences of the campus racism than other students.

There were some differences between faculty and staff. In general, faculty were more critical of the university on a range of attributes. Administrators were the second most critical of the university, with staff being the least critical.

A significant part of the survey dealt with discrimination and harassment, including the kind of discrimination and who was the perpetrator of the offense. The most common type of discrimination was student-to-student. Overall 52% of student respondent's reported some type of discrimination or harassment. The most common kind of discrimination and harassment was race, gender, and political views. African-American students faced more race-based harassment and women faced more gender discrimination.

In the 2010 Campus Climate Survey, there was a question that asked whether the students believed the staff of the university were sensitive to issues of discrimination around sexism, racism, and homophobia and the team measured a decline in sensitivity by staff.

Faculty, staff, and administrators all reported incidents of discrimination with the most common type being in group, e.g. faculty-to-faculty and administrator-to-administrator. The most common type of discrimination for faculty was gender. For administrators, the most common discrimination was gender and age. Lastly, for staff the most common type of discrimination was race and age.

Another common theme that emerged is that there were quite a few problems around open communication or the idea of voicing an unpopular opinion. There is a lot of concern that the environment is not conducive to open communication and there are not a lot of opportunities to voice your opinion, and sometimes there is direct hostility to having these type of conversations.

One frequent comment from students is that they would like to have more events on campus, but this was also expressed by faculty and staff as a need to build more campus community and to have deeper engagement outside of the classroom.

One large difference between the 2010 survey and this survey was huge increase in the number of students that reported safety problems on campus. Students feel a lot less safe.

Faculty morale also had a big decrease from the 2010 survey results. Faculty expressed a lot of concern about decision-making, shared governance, and the sharing of information on campus. Staff also reported a pronounced trend looking for greater recognition and opportunities for career advancement. All employee versions of the survey showed concern over the administration since 2010.

There is additional data on the IEA website and an interactive tool to allow you to pull the data off in different ways.

**IX. New Business** – None

**X. Adjournment** – The meeting adjourned at 4:48 p.m.