

## MINUTES

### SPECIAL SENATE MEETING: MARCH 15, 1999

#### **Special Topic Session: SJSU Academic Senate Response to the Current CFA/CSU Bargaining Situation**

Chair Stacks opened the meeting. All were present except: Briggs, Brent, Burak, Butler, Buzanski, Canziani, Caret, Friday, Greenlee, Gonzales, Huebner, Katz, Mesher, Mullen, Payne, Rascoe, Singh, Stork, Van Hooff, and Young.

Chair Stacks presented A.S. 1063 Sense of the Senate Resolution -- Status of the Faculty Contract after the Rejection of the Proposed Tentative Agreement for the Executive Committee

Sen. Roth asked why the fourth resolve in the original draft, to refuse to devise implementation policies for imposed conditions, was removed. He asked if the Executive Committee disagreed with the resolve. Chair Stacks asked Sen. Nellen to address the question.

Sen. Nellen stated that because it was a serious issue the Executive Committee wanted to send it as a referendum issue to the faculty before taking action that may have serious effects.

Sen. Peter stated that the general faculty should decide if we as senators should refuse to do our job. Sen. McNeil informed the Senate that the Statewide Academic Senate advised that such action be taken. Sen. Hamill stated that the wording of the question does not give the alternative, and then asked what the alternative was if we refuse to work to devise implementation policies. Sen. Bain reported that the President would have the responsibility for implementing the CSU policies.

Sen. Norton reminded the senate to address By-Law 7.6, which states in the first three sentences:

7.6 In carrying out a referendum under Article V of the constitution, the Election Committee shall prepare a ballot, which indicates the specific action of the Academic Senate, which is being referred to the faculty electorate. The question to be voted on will be stated as follows: "Shall the action of the Academic Senate specified above be sustained?"

Sen. Peter stated that a simple change in language to the fourth resolve clause would make the resolution in compliance with By-Law 7.6. He also suggested that the senate might want, in the future, to allow for votes to go to the general faculty and, if so, may want to refer this issue on referendums to Organization and Government.

Sen. Norton suggested including a statement on collegiality.

Sen. Roth offered an amendment to the fourth resolve to state:

if working conditions are imposed on the faculty that are similar to those in the rejected Tentative Agreement, the Academic Senate and its committees should refuse to devise implementation policies for the working conditions.

It was seconded.

Sen. Roth explained that as a senate we should take a strong stance, show leadership, and then separately, put this to the faculty as a referendum.

Sen. Hamill suggested the referendum be included as a separate resolution. Sen. Roth did not agree and suggested that it makes for a more eloquent statement.

Sen. Norton stated he was inclined to support the Roth Amendment. Sen. Shifflett did not support the amendment reminding senators that CFA has been criticized for never asking the faculty what action they supported.

Sen. Roth responded that he was convinced that we should take the lead. It is appropriate for us (the senate) to state our sentiment, and then separately ask the faculty to sustain.

Sen. Norton stated that our constitution does not let us just ask faculty; if you want to comply with the constitution, support the Roth Amendment.

Sen. Nellen reminded senators that we have been sent to the Academic Senate as representatives for the faculty in our college.

Sen. Peter stated that he was inclined to support the Roth Amendment with the understanding that we would ask the faculty to sustain the resolution.

Sen. Nuger also supported the Roth Amendment and stated that senators are to act as trustees of the faculty and take the lead.

Sen. Desautel asked Sen. Shifflett how significant this is. Sen. Shifflett responded -- to say we, the senate, are not going to recommend policy is about as serious as it gets -- that is what the senate is about. What CFA went through in the negotiation process has been criticized for not seeking faculty input.

The question was called and senate approved to take a vote. A voice vote was taken and the Roth Amendment passed with five abstentions.

Sen. Peter moved to amend the resolution by adding a resolve statement between the fourth and fifth resolve statements to read:

Resolved, that the general faculty be asked to sustain AS 1063 as provided for by Article V of the SJSU Academic Senate Constitution.

It was seconded.

Sen. Sree Harsha was concerned with the circle of reasoning in having the resolution refer to itself as if it were a separate document. Sen. Desautel voiced concerned with the integrity of the senate if the faculty voted it down. Sen. Roth agreed with Sen. Sree Harsha, and stated that the resolution was a sense of the senate and urged senators to vote no on the Peter Amendment.

Sen. Nuger stated that we would still have to do our job and then asked isn't this just symbolic? Sen. Shifflett urged senators to consider the seriousness of this issue.

Sen. Peter reminded senators that we had already sent a document (SS-F98-1) that did not have much effect. Additionally, it has been suggested that CFA does not represent the faculty.

Sen. Hamill called the question and the senate approved. A voice vote was taken, division was called and a hand vote was taken. The Peter Amendment Passed (19-2-5).

Sen. Hegstrom was concerned that this was a labor action, which would break up collegial governance. Additionally, he stated that this resolution seems to confound the roles of the labor union and the senate.

Sen. Roth offered an amendment to the third "whereas" statement to replace "be a violation of collegial governance" with "seriously undermine collegiality and threaten the Academic Mission." It was seconded. Sen. Peter called the question and it passed with 8 abstentions.

Sen. Desautel questioned if FMIs affect collegiality. Sen. Peter responded that he believed so particularly in the manner that the administration has proposed to distribute FMIs.

Sen. Peter also stated that the senate has never been separated from working conditions. Senates have not taken a stance -- it is within the role of the senate. Additionally, Sen. Peter stated that the Statewide Senate has asked us to take a stance. According to Sen. Peter, the administrative fiat may be legal, but it is not collegial; it does not have the legitimacy of the faculty.

Sen. Sree Harsha stated he was against the Resolution.

Sen. Gorney-Moreno asked if this resolution should be a Senate Management Resolution. Sen. Norton stated that since it is an opinion of the senate, it is legitimately a Sense of the Senate Resolution.

Sen. McNeil stated that this resolution was a clear statement on the sentiment of the senate.

Sen. Roth raised in support of the Resolution and stated that as employees we have a responsibility to do our job; we are senators, we come together as faculty representatives, Administrative Representatives, and Student Representatives.

Sen. Roth called the question the senate agreed. The Resolution passed without dissent and with seven abstentions.

There was no other business related to the special topic. The meeting was adjourned.

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