

**2002/2003 Academic Senate**

**MINUTES  
November 25, 2002**

**I. The meeting was called to order at 2:10 p.m. and attendance was taken. Thirty-five Senators were present.**

**Ex Officio:**

Present: Brent, Nellen, Peter  
Shifflett, Van Selst  
Absent: Caret, Martinez

**Administrative Representatives:**

Present: Rascoe, Goodman  
Absent: Kassing, Lee

**Deans:**

Present: Breivik, Gorney-Moreno  
Meyers  
Absent: Andrew

**Students:**

Present: Tsai, Ortiz  
Absent: Yuan, Greathouse, Lee

**Alumni Representative:**

Absent: Guerra

**Emeritus Representative:**

Present: Buzanski

**Honorary Senators (Non-Voting):**

Present: Norton

**General Unit Representatives:**

Absent: Main, Liu

**CASA Representatives:**

Present: Gonzales, Yen, David  
Absent: Palakurthi

**COB Representatives:**

Present: Donoho, Onkvisit

**ED Represent:**

Present: Lessow-Hurley, Katz, Rickford

**ENG Representatives:**

Present: Pour, Singh, Hambaba

**H&A Representatives:**

Present: Williams, Sabalius, Van Hooff, Desalvo  
Absent: Vanniarajan

**SCI Representatives:**

Present: Bros, Hamill, Stacks, Matthes

**SOS Representatives:**

Present: Ray

**SW Representative:**

Present: Hines

**II. Approval of Academic Senate Minutes –**  
The following minutes were approved as is:  
October 28, 2002

**III. Communications**

**A. From the Chair of the Senate –**

Chair Brent made several announcements. First he announced that one of the two Provost's Forums cosponsored by the Academic Senate on the Budget will be held next Wednesday, December 4, 2002, from 2-3:30 p.m. in Engineering 189. Chair Brent next announced that the Academic Senate would be meeting two weeks from today on December 9, 2002, instead of waiting the usual 4 weeks. Chair Brent then announced that the President would once again be hosting an annual holiday reception for Senators at his home on Sunday, December 8, 2002, from 3-6 p.m. Senators should already have received an invitation via campus mail. Chair Brent introduced Charla Ogaz who will be joining the Senate as a new Senator from the College of Social Sciences. Chair Brent expressed his thanks to Tim Hegstrom for recruiting Charla. Chair Brent then welcomed a new student Senator, Carlos Trujillo. Chair Brent announced that there is a faculty position open on the CSU Board of Trustees; the nomination deadline is today, November 25, 2002, at 5 p.m. Chair Brent encouraged those interested to apply.

**B. From the President of the University – None**

**IV. Executive Committee Report**

**A. Minutes of Executive Committee**

October 28, 2002 – Senator Shifflett asked about item 4. Senator Stacks said this had already been dealt with. Senator Shifflett suggested that item 4 be changed to state that no referral was needed because it had been dealt with.

November 11, 2002 – No Questions.

**Minutes of Budget Advisory Committee**

November 4, 2002 -- No Questions.

November 18, 2002 – Questions will be deferred until the next meeting to give Senators a chance to review the minutes.

**B. Consent Calendar – None**

**C. Executive Committee Action Items - None**

**V. Unfinished Business – None**

**VI. Policy Committee & University Library Board Action items. In rotation.**

**A. Professional Standards Committee:**

Senator Katz presented *AS 1183, Policy Resolution: Adoption of a New Student Opinion of Teaching Effectiveness (SOTE) Instrument (Final Reading)*. Senator Breivik stated that the numbers on the SOTE switch order between the pages and this may confuse students. Senator Katz asked Steve Aquino if he was aware of this. Steve said it wasn't a problem to fix this. Senator Katz made a motion that the Senate suspend the rules and agree to bar any amendments to items 1-17. **The Senate voted and passed this motion.** Senator Shifflett proposed an amendment to change the last sentence of the new paragraph on the SOTE instrument from "This summary may enhance your instructor's teaching." to read, "A summary of responses is provided to the instructor and placed in their personnel file." Senator Norton proposed a friendly amendment to the Shifflett amendment to change the word "their" to "his or her". Senator Williams proposed an amendment to the Shifflett amendment to change the last two sentences to read, "Your individual ratings will be anonymous, and a summary of items 1-13 of these ratings will be available to your instructor after grades are turned in. This summary may enhance your instructor's teaching. It will be used in the evaluation of your instructor in personnel matters such as retention, tenure, and promotion." The Senate voted and the Williams amendment to the Shifflett amendment passed. Chair Brent stated that the Williams amendment replaced the Shifflett amendment, and no further debate on the Shifflett amendment was necessary. Senator Sabalius proposed an amendment to strike the 2nd Resolved clause. The Senate voted and the Sabalius amendment failed. Senator Shifflett proposed a friendly amendment to add a new 2nd Resolved clause that reads, "that summary statistics for the SOTE items shall include the median". Senator Shifflett proposed another friendly amendment to add another Resolved clause at the very end that states, "that the results of the analysis of items 16 and 17 be reported to the Senate by Professional Standards Committee." **The Senate then voted and AS 1183 passed as amended.**

The Senate voted on whether to reorder the agenda to allow the two SOTE resolutions to be heard together. The vote passed, and the agenda was reordered so that Senator Katz could present AS 1189 out of rotation.

Senator Katz presented *AS 1189, Policy Resolution: Procedures to be Followed when Administering SOTEs (Final Reading)*.

Senator Matthes proposed a friendly amendment to change the second line of item 3.2 to read, "In on-campus classes commencing before 5:00 p.m., proctors should return the completed SOTE instruments to the department office." Senator Peter proposed an amendment to add sections 7.0, 7.1, and 7.2 and have them read as follows:

7.0 Universal Application of the SOTES.

7.1 Normally, every class taught for credit granted by SJSU shall be evaluated using the SOTE instrument.

7.2 The passage by the Senate of this policy recommendation and its acceptance by the President shall be understood to constitute "an agreement by the administration and faculty to evaluate all classes: in fulfillment of conditions listed in the CFA/CSU MOU (May 14, 2002—June 30, 2004) and any successor MOUs that carry this language."

Senator Nellen proposed an amendment to the Peter amendment to remove the word "Normally" from section 7.1. The Nellen amendment failed.

After a significant amount of debate regarding the legality and desirability of requiring evaluations in all courses, the Senate voted and the Peter amendment passed.

Senator Shifflett proposed an amendment to the proctor checklist. Chair Brent stated that the checklists were not part of the policy. Chair Brent urged Senator Shifflett to propose an amendment to section 3.0 of the main policy. Senator Shifflett then proposed that a new section 3.3 be added to the policy as follows: "Proctor instructions shall require the proctor to read the following statement: You are being asked to complete a Student Opinion of Teaching Effectiveness or SOTE form. The results of the SOTE serve some important purposes. First the results provide helpful feedback to the instructor, which can assist in improvement of instruction and course design. In addition, the results are an element of the instructor's performance evaluation for retention, tenure, and promotion. While the SOTE results are an important part of the instructor's evaluation process, they are but one element of that process."

Senator Donoho proposed that Senator Shifflett's amendment should be 3.2, and the current section 3.2 should be made 3.3. The Senate voted and agreed to this change.

The Senate voted and the Shifflett amendment passed.

Senator Nellen proposed an amendment to strike sections 5.0 and 5.1. The Senate voted and the Nellen amendment passed.

Senator Hamill proposed an amendment to section 3.3 (the old section 3.2) to add the following sentence at the very end, "The person receiving the packet shall sign a certificate that it was delivered by the proctor." The Senate voted and the Hamill amendment failed.

Senator Peter proposed an amendment to change section 1.1 to read, "Normally, SOTEs shall be administered on the last day of class. The College Dean can authorize early evaluation in the case of unusual or compelling circumstances." Senator Nellen proposed a friendly amendment to the Peter amendment to change the word "class" to "instruction". The Senate voted and the Peter amendment failed.

Senator Nellen proposed an additional Resolved clause to read, "Resolved: that SERB continue to evaluate the efficacy of on-line SOTEs including administration subsequent to final exams." The Senate voted and the Nellen amendment passed.

Chair Brent stated that since we have adopted section 7.0, it makes some of the language in section 6.0 not make sense. Chair Brent encouraged some Senator to make an amendment. Senator Stacks proposed a friendly amendment to change 6.1 to read, "6.1 S-91-9 is amended with the addition of: E.1.c At least every five years, beginning in Fall 2003, baselines will be re-normed."

Senator Nellen said that since section 5.0 and 5.1 were deleted, the numbering will need to be changed. Chair Brent said that he would take care of the renumbering.

**The Senate voted and AS 1189 passed unanimously.**

Senator Donoho made a motion to reconsider AS 1183. Senator Donoho proposed that bullet number two be changed to read, "Discuss the weaknesses and/or areas in need of improvement for this instructor's teaching." The Senate voted on whether to reconsider the motion. The motion passed. The Senate then voted on the Donoho amendment and it passed unanimously.

**B. Curriculum & Research - None**

**C. Organization & Government -**

Senator Stacks presented **AS 1187, Policy Resolution: Departmental Voting Rights (Final Reading).** Senator Stacks gave a brief presentation on the changes since the first reading. Senator Stacks said the Organization and Government Committee had voted 8-0-0 to bring forward the resolution that Senators have in front of them today. The changes that were made since the last reading appear in the last whereas clause. The language has been changed to say, "Current CFA/CSU agreement, section 20.30 provides for such participation." Senator Stacks said the issue before us is to consider who has the responsibility for recommending a department Chair to the President. The Organization and Government Committee was given the responsibility to look at this. The Senate had previously passed a policy, F98-2, which stated that tenure-track faculty would recommend a department Chair for appointment to the President. Since that time, it has been pointed out that the temporary faculty member's role was not clearly defined to show that they play an important role in the selection process. F98-2 appears to exclude temporary faculty from any participation in the selection of department Chairs. Section 20.30 of the CFA/CSU agreement covers the selection of department Chairs. Senator Stacks said that a grievance had been filed taking issue with F98-2 and was on the edge of arbitration. This is why this resolution is being proposed to clarify the language. The CFA wanted the Academic Senate to review the policy and decide what the policy should be, since F98-2 was an Academic Senate policy. There are three different versions of the proposal the Senate can consider. The first (motion A) is the proposal you have before you from the Organization and Government Committee. In this resolution, all faculty members participate in the deliberations for department Chair, but only the regular faculty vote, and then this vote is sent to the President for consideration. Senator Stacks said she would be offering a substitute version of the resolution during debate. In this substitute motion (motion B), the nuance will be that all faculty members participate in deliberations, all faculty members vote, and that information is given to the President, but the binding vote would be that of the regular faculty. A third version of the resolution (motion C) that the Senate could consider would be that all faculty members participate in the deliberation, all faculty members vote, and that the total vote be forwarded to the President with no faculty categories provided. Senator Stacks said what the Organization and Government Committee really wants the Senate to do is to take a philosophical look at this issue, and to determine the context of the MOU, and decide how we should be selecting department Chairs.

**Questions:**

Senator Norton asked whether the substitute motion and the original motion would be debated simultaneously when the substitute is proposed by Senator Stacks during debate. Chair Brent said yes, they would be debated simultaneously. If the substitute motion passes, it would then take the place of the original. Senator Peter asked about the procedures for appointing temporary faculty. Senator Stacks said that a committee establishes the pool of acceptable temporary candidates. The department Chair actually makes the teaching assignments and would make the actual appointment and percentage. Senator Stacks said right now either the department Chair, or a committee, can evaluate temporary faculty. Senator Peter asked what are the current protections offered to temporary faculty to ensure there isn't undue pressure or influence by a department Chair. Senator Stacks asked Senator Peter to be more specific. Senator Peter asked what regulations were in effect to prevent a department Chair from firing a lecturer. Senator Stacks said that there are currently regulations in place for due consideration of rehiring. Senator Buzanski asked Senator Stacks if she knew of any departments that had a majority of temporary faculty. Senator Buzanski stated that in those cases where there is a majority of temporary faculty that usually have high turnover

rates, won't the permanent faculty be the ones that have to live with their selection. Senator Stacks said that there are indeed some departments on campus that have a high number of temporary faculty. Senator Stacks said that the temporary faculty members have proportional voting rights, and that in some instances if a temporary faculty member is only going to be appointed for a semester or a year, they have excused themselves from the vote for the department Chair. Senator Gorney-Moreno asked what happens after the secret vote, does anybody find out the results of the vote? Senator Stacks said that her understanding is that the department, the Dean, and the President would get that information. Senator Shifflett moved that the Senate immediately drop into debate.

**Debate:**

Senator Stacks moved to include the substitute motion in the debate. The motion was seconded. Senator Peter asked if he could ask a member of the audience for clarification to his earlier question. The CFA President, Dr. Patricia Hill, stated that a lecturer that felt like they were being harmed or coerced about voting could file a grievance based on procedure. Dr. Hill said that faculty may not file grievances against other faculty members, but they may file grievances against a policy that goes against a contract, and they can file grievances against the administration. Dr. Hill said that a grievance could be filed against a policy that allowed coercion, just like the current grievance that was filed by several lecturers against University policy, F98-2.

Chair Brent explained that normally only members of the Senate may speak. However, the Chair of the Senate may extend an invitation to have someone address the Senate. Chair Brent extended this invitation to Dr. Hill to speak at today's meeting. Dr. Hill said that the CFA urges the Senate to consider either substitute motion B or C. Dr. Hill stated that lecturers are clearly included in the department according to the contract. Dr. Hill stated that the CFA will pursue litigation if they feel that the policy violates the contract. This is their obligation to the faculty. The CFA feels that motion A violates the contract, and if this motion passes the CFA would pursue its grievance.

**D. Instruction and Student Affairs** – Moved to the next meeting due to lack of time.

**E. University Library Board** – Moved to the next meeting due to lack of time.

**VII. Special Committee Reports** – Moved to the next meeting due to lack of time.

**VIII. New Business** -- Moved to the next meeting due to lack of time.

**IX. State of the University Announcements. Questions. In Rotation.**

**A. Provost** – Moved to the next meeting due to lack of time.

**B. Vice President for Administration** – Moved to the next meeting due to lack of time.

**C. Vice President for Student Affairs** – Moved to the next meeting due to lack of time.

**D. Associated Students President** – Moved to the next meeting due to lack of time.

**E. Statewide Academic Senate** – Moved to the next meeting due to lack of time.

**X. Adjournment - 5:00 p.m.**