

2007/2008 Academic Senate

**MINUTES
October 22, 2007**

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

Ex Officio:

Present: Van Selst, Sabalius,
Gorman, Henderson,
Lessow-Hurley, Kassing

Administrative Representatives:

Absent: Najjar, Sigler, Phillips, Lee

Deans:

Present: Parrish, Stacks, Merdinger,
Wei

Students:

Present: Reyes, Lazarowich,
McDaniel, Prothro-Jones,
Grabowski
Absent: Howes

Alumni Representative:

Absent: Thompson

Emeritus Representative:

Absent: Buzanski
Present: Savage for Buzanski

Honorary Senators (Non-Voting):

Absent: Norton

General Unit Representatives:

Present: Romo, Sivertsen
Absent: Liu

CASA Representatives:

Present: Fee, Kao, Schultz-Krohn, Canham, Hendrick

COB Representatives:

Present: Roldan, Campsey
Absent: Jiang

ED Represent:

Present: Langdon, Rickford, Maldonado-Colon

ENG Representatives:

Present: Backer
Absent: Gao, Meldal

H&A Representatives:

Present: Van Hooff, Mok, Desalvo, Brown
Absent: Butler, Vanniarajan

SCI Representatives:

Present: McClory, Kaufman, Hilliard
Absent: Bros

SOS Representatives:

Present: Peter, Hebert, Von Till
Absent: Zia

II. Approval of Academic Senate Minutes – Minutes of September 24, 2007 were approved as is.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Lessow-Hurley made the following announcements:

The chair announced that Dr. Wayne Savage was sitting in for Dr. Peter Buzanski as the

Emeritus representative. The Senate welcomed Dr. Savage.

The chair announced that Senator Merdinger had requested that all Senators please complete the ACE Sloan Survey when they receive it. A 40% return rate is needed in order to qualify for the grant-making process. Senators must use their official email address to answer the survey.

The chair congratulated Senators Meldal and Bros on the success of the Senate Retreat. One of the issues that surfaced during the Retreat was the current draft of Access to Excellence, the CSU strategic plan. The Executive Committee decided to convene a subcommittee of the policy chairs, the Provost, and Rona Halualani to talk about ways to divide-up the draft of Access to Excellence and share it with the committees. The committees would then come up with some feedback for the steering committee on Access to Excellence.

The chair asked all Senators to use the microphones so that their comments could be accurately recorded in the minutes. It was noted that it is extremely difficult to pickup voices in the back when the microphones are not used, and this sometimes becomes an issue when comments are not recorded in the minutes.

The chair announced that there was a full agenda, and she was not going to allow anyone to debate during the question period.

B. From the President of the University –

President Kassing said, “I will keep my remarks brief. You may have seen in the San Jose Mercury News over the weekend, an article about the city library and some concern about pornography and children. I may look to some of the experience from this group, and Senator Peter and the University Library Board (ULB) in particular, should that discussion get a little more energy around it.”

President Kassing said, “I also wanted to mention that several of the Vice Presidents are not here today. VP Najjar went home ill at noon today, and VPs Lee and Phillips are in a meeting at city hall on the health center. Also, Provost Sigler is tied up in a CSU system-wide meeting.”

President Kassing asked for the Senate’s support of AS 1368, the Athletics Board proposal. The President and Senator Campsey invited all Senators to the Scholar Athlete Banquet on November 1, 2007, at 7:30 a.m.

President Kassing said, “We had a reception at the President’s house last Wednesday for the Salzburg Scholars. I continue to be impressed with the quality of that program. I am particularly proud of the students that went last year. Senator Anne Grabowski was one those scholars last summer.

Lastly, we had the Lurie dedication naming the College of Education last week. VP Najjar’s team and the College of Education did a great job.”

Questions:

Senator Sabalius said, “I heard an interview that Tom Bowen gave on the radio to the Rotary Club last week, and he described that when he arrived here on campus there was a faculty group that wanted to get rid of football. This isn’t accurate, because we only wanted to get out of Division 1. Tom said recently the leader of that group came to him and said that they would stop pursuing that goal. He never mentioned “Spartans for Sanity” by name, but I don’t know of any other group he could be referring to. I talked to James Brent, the only person I would consider the leader of that group, and he said he never talked to Tom Bowen, ever. I wonder what Tom was referring to?”

President Kassing said, “I wasn’t at the Rotary Meeting Tom spoke at, but let me tell you what I think that conversation was about. First of all, Tom Bowen wasn’t here when Spartans for Sanity was in the conversation about intercollegiate athletics and football. What Tom has learned has come from the rest of us in conversation. He should be very careful about what he says, because he wasn’t here. I don’t think Tom has ever talked to James. I know he got a letter from James. Tom might have been referring to some second-hand comments that were made. If he claimed it, then he was inaccurate.”

IV. Executive Committee Report –

A. Executive Committee Minutes –

October 8, 2007 – No questions.

B. Consent Calendar – Approved with three additions from AVC McClory.

C. Executive Committee Action Items: None

V. Unfinished Business - None

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

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

Senator Sivertsen presented *AS 1368, Policy Recommendation, Access to Instructional Material: Timely Identification of Textbooks (First Reading)*. Senator Sivertsen said, “This is really not up for debate. This is a policy that has come down as a result of a lawsuit and we can’t decide whether we will do it or not. However, the campus has the opportunity to really make this a proactive, positive, supportive policy. The campus itself through IRC has made it very clear that they will provide opportunities for people to be successful in the endeavors that are required by this policy. Finally, what I want to say is that while the front end of this is considerable and frightening in some ways, it is very important to focus on it as being very important for our students. We want our students to have the best access possible. If we think about it this way, then maybe we can go about it in a positive way.”

Chair Lessow-Hurley asked if she could make a friendly amendment to the title to say

“Access to Instructional Material: Timely Identification of Textbooks, Course Readers, and Library Reserves.” Chair Lessow-Hurley said, “Senator Meldal polled the department chairs about what they already do to make textbooks accessible, and a lot of this is simply an attempt to codify what they already do. Also, once this policy was drafted, we took it back to every department chair to make sure this was what they had in mind.”

Questions:

Senator Van Selst said, “I have four questions for you. In the Seventh Whereas it talks about “textbooks and course-packs are often required courseware and must be available to all students at the same time.” That “must be” doesn’t have any reference behind it other than good will.” Senator Sivertsen said, “This came down from the courts.” Senator Van Selst said, “Probably a citation or reference would be appropriate. In Whereas 10, it refers to “requests of textbooks” and I assume it is the textbooks themselves that are being converted and not the requests. And, for the rationale have you considered including the CSU Statewide Senate resolutions from the last two years on accommodations. Finally, in number 2 of the policy itself, have you thought about procedures to verify the departments have established a policy?” Senator Sivertsen said, “I think that is one of those next step kind of things that will be done down the road.”

Senator Peter said, “Number 3 and 4 of the policy refer to a point of contact for instructional material decisions, I take it this means that currently our faculty submit their textbook orders directly to the bookstore, but under this policy they will submit their textbook order to the Provost and the Provost will then submit it to the bookstore?” Senator Sivertsen said, “That is not my understanding.” Senator Peter said, “Then I am confused. Number 4 says that the Provost will be informed by the faculty point of contact of instructional material decisions, and will then ensure that the Disability Resource Center (DRC), the Spartan Bookstore and any other interested or relevant party be informed of the material requested. This sounds like you submit your order to the Provost, and then the Provost will submit it to the bookstore.” Senator Sivertsen said, “That is not my understanding.” Senator Peter said, “It would be helpful if this were clarified in the policy.”

Senator Maldonado-Colon said, “I believe this refers to when there are multiple sections of a course, then one person will be the contact for that course.”

Senator Stacks said, “I was wondering about timelines. In the graduate program you often have highly specialized texts, or materials that aren’t for general consumption. Perhaps the likelihood of the quick accessibility of some of those types of resources may be slower than general texts. Has there been any thought about what the timeline needs to be for those types of resources that may not be in an accessible format?” Senator Sivertsen said, “I think ultimately the DRC is going to do some of this. The hope is that the bulk of this will be done ahead of time so that some of those special things will not have to go in this pipeline that takes forever to finish. Also, a number of textbooks are already available in an electronic format. I can’t give you a deadline date, but the hope is that it will take less time.”

Senator Rickford said, “In the second Whereas clause, the last word in the first sentence “that” doesn’t make sense to me. It appears that you need to have “and that” unless I’m misreading that.”

Senator Parrish said, “I just wanted to add a comment to Senator Stacks comments about the specialized materials. We had a discussion about this in the Council of Chairs meeting. What this policy is calling for is to identify the resource early, not necessarily doing the translation.”

Senator Hebert said, “What effect will this policy have on ad hoc reading assignments during the semester, e.g. newspaper articles, etc.?” Chair Lessow-Hurley said, “The Center for Faculty Development is making every effort to offer opportunities for faculty to learn how to convert their ad hoc readings. It is my understanding that if you use Acrobat Professional and the availability of web wizard for your webpage then your materials are in a format that can be read by a reader. It does, however, limit the ability of faculty to bring in a newspaper article that you saw at lunch. You have to be a little bit ahead in your planning.” Senator Hebert said, “So, this policy does address these ad hoc things?” Chair Lessow-Hurley said, “No, this policy addresses textbooks, course readers, and library reserves.”

Senator Van Hooff said, “One of my concerns is that we have a lot of foreign books and novels. We may have real trouble with foreign materials. Have you thought about that? The other question that I have is that it would make it a lot easier for faculty to prepare materials if students would register early enough that the faculty would know ahead of time if they had say a blind student, has any thought been given to that?” Senator Sivertsen said, “There are some clear problems all over the campus, one problem that came up in the College of Business was a class where students are required to read the Wall Street Journal everyday. Not all students with disabilities are registered with the DRC. One of the challenges for us is going to be not putting students in a position where they have to self-identify if they do not want to. I’m not sure how we are going to accommodate this on a long-range basis.” Senator Van Hooff said, “We need to know if they have disabilities. If the students don’t identify themselves, there is no way the faculty can help. It is a two-way road.”

Senator Rickford said, “One of my concerns is that we shouldn’t overlook the power of in the moment or ad hoc teaching. There should be some leeway for this sort of teaching. Will there be some measure of flexibility in a policy like this that allows for this type of teaching, because I think it is vital?” Senator Sivertsen said, “These questions have come up on a number of occasions. I think as we go down the line, we will accommodate those things. We will have to be creative.”

Senator Peter said, “On item 6 of the policy, it says the Provost or designee will identify the deadline, the question is why not put the deadline in the policy the way we do for adds, drops, etc., so that people know well in advance what it is going to be? Also, if the Provost is going to identify the deadlines, is the deadline going to be earlier than the current deadline?” Senator Sivertsen said, “Yes, the bookstore has said that they will announce it.

They will put out a notification.” Senator Peter said, “Why can’t the policy be more explicit about what that deadline is going to be?” Senator Sivertsen said, “The bookstore has said that the Fall deadline will be some time in April. They have not indicated a Spring deadline.” Senator Peter said, “In item 8, it mentions that if the material has not been identified, then there is a reporting mechanism which goes to the Provost for the purpose of informing the annual review. Can you elaborate on what that means?” Senator Sivertsen said, “Certainly for tenure-track individuals there will be some measure of encouragement to complete these appropriately.” Senator Peter said, “Does this mean some kind of letter will be placed in their personnel file?” Senator Sivertsen said, “We don’t know.” Senator Peter said, “Also, in number 7 it says the faculty point of contact will ensure that the university is informed of the instructional material choices for the section. A large number of sections get scheduled at the last minute as we wait for resources, does this mean that if we offer a last minute section, we have to have already picked their books for them?” Senator Sivertsen said, “Yes, the thought was that there would be a set of books available in the department for the instructor to choose from.” Senator Peter said, “Are there any alternatives that you can imagine that would enable timely adoption of course materials that do not infringe upon the academic freedom of a last minute faculty member to choose his/her own textbooks?” Senator Sivertsen said, “My thought is that in the not too distant future, there should be a vast selection of textbooks electronically available to choose from.”

Senator Van Selst said, “The response to both Senator Hebert and Rickford is that this policy does not touch ad hoc materials.”

Senator Mok said, “I just want to know how to handle the following problem. In the school of music we often accept students just the day before the semester begins to be in the orchestra. We can’t possibly prepare ahead of time for say a student that needs materials in Braille. How do you suggest we accommodate them?” Senator Sivertsen said, “My thought is that some of this material would be made available way in advance. In other words, the music the orchestra would play would already be available in accessible formats.”

Senator Sabalius said, “The policy seems to be rather labor-intensive to me. Would the committee consider further streamlining the process, and maybe add some provisions for flexibility within the framework of the law? Could you tell me what the objection was in the 8-1-1 vote in the committee?” Chair Lessow-Hurley said, “There were concerns about the workload and the compromise effort was the piece in the resolved clauses that speaks to making a point of that.”

Senator Rickford said, “Is it the intention of the policy to penalize the faculty that don’t conform?” Senator Sivertsen said, “We have no choice, it was not something that someone decided to do to make everyone on campus go crazy. It is a civil rights issue and we must comply with it. It is also an opportunity for us to be creative.” Senator Rickford said, “My question pertains to item 8 in the policy, is that a civil rights issue also?” Senator Sivertsen said, “No. The intent was to encourage compliance.”

Senator Hebert said, “How does this policy affect non-text instructional material such as videos?” Senator Sivertsen said, “It does not address them at the present time, but my guess is that it will in the future.”

Senator Kaufman said, “Would you consider in the first resolved clause on the second page striking the term “instructional material” and then just removing the parenthesis around (textbooks, course readers, and library reserves)?” Chair Lessow-Hurley said, “I appreciate the clarification and perhaps you could give that wording to Senator Sivertsen after the meeting that would be very helpful.”

Senator Van Hooff said, “My concern is did the committee discuss the possibility of pirating textbooks?” Senator Sivertsen said, “That is out of our purview.”

Senator Van Selst said, “There is \$30 million in the CSU budget request next year for Academic Technology, it strikes me that making materials accessible out to be a priority in that request, would that be part of this resolution or should it be another resolution?” Senator Sivertsen said, “It seems to me before we finalize this resolution there should be some request for funding in it.”

Senator Sabalius said, “Wouldn’t it make sense in the first resolved clause and number 1 of the policy to refer to library reserves as reading materials in library reserves just to make them clear?” Chair Lessow-Hurley said, “I think that follows-up on Senator Kaufman’s comments.” Senator Sabalius said, “I also have a procedure question. When it comes to a second reading and we discuss amendments can we then only change the resolution, or can we go back to the policy and make changes? Chair Lessow-Hurley said, “I think it is an important question. I would like to suggest that you get all your comments and wording changes to Senator Sivertsen in advance of the next reading.”

Senator Fee said, “Are you aware of a November 8, 2007, deadline for ordering textbooks for Spring? I have seen something to that effect.” Senator Sivertsen said, “I am not aware of that, but I haven’t looked at my email in several days. However, I would not be surprised.”

Senator Van Hooff said, “If this is a CSU system-wide mandate then why must each campus find its own solutions? Senator Sivertsen said, “Having been here for years, I think we do better by ourselves than asking for a system-wide policy. I also think the idea is to allow campuses to find a way that works for them.”

Senator Hebert said, “Looking past this policy to the idea of accessibility, do you think there is any reason for the university not to provide a sign language interpreter in every class?” Senator Sivertsen said, “Yes, money. Also, that only addresses the hearing-impaired and not the sight-impaired, etc.”

B. University Library Board (ULB) – No report.

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

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

Senator Kaufman presented *AS 1369, Sense of the Senate Resolution, SJSU Response to the Proposed Differential Fee Increase for Graduate Business Degrees in the CSU (Final Reading)*. Senator Sabalius made a friendly amendment that the first Resolved clause be changed to read, “Resolved, that the Academic Senate CSU in conjunction with the Chancellor’s Office convene a task force including faculty members from a variety of disciplines to analyze the crisis of insufficient funding for Undergraduate and Graduate programs in the CSU; and be it further.” Senator Peter made a friendly amendment to add a new Resolved clause before the last Resolved clause to read, “Resolved, that the SJSU Academic Senate recommends that the Board of Trustees not approve any differential fees until after the task force completes its report; be it further.” **The Senate voted and AS 1369 passed as amended without dissent, with 2 abstentions.**

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

Senator Backer presented *AS 1365, Policy Recommendation, Senate Vacancies (Final Reading)*. **The Senate voted and AS 1365 passed unanimously.**

Senator Backer presented *AS 1367, Policy Recommendation, Athletics Policy (First Reading)*. Senator Backer said, “The President has charged the Athletic’s Director and the Athletic’s program in general with emphasizing the student athlete. There have been a lot of new programs initiated, and this policy reflects the perspective of SJSU of focusing on the student athlete. The number of faculty positions on the Athletic’s Board has been increased from four to five. There is a decrease in the number of student representatives from three to two, based on the history of active students on the committee. The other issue is to clarify tenure and tenure-track membership on the committee for the faculty. Also, the Faculty Athletics Representative (FAR) has been added.”

Questions:

Senator Peter said, “I wanted you to go over the changes in faculty representatives. Would you clarify what the President’s role in appointing the membership is in this new policy versus what his role was in the old policy?” Senator Backer said, “Under the old system, I believe the candidate statements were sent directly to the President’s Office, and the President would then pick the faculty members. Under the new system, the statements would go through the Senate and they would make their recommendations to the President.” Senator Peter said, “Does the President have the option of not appointing someone the Senate has approved?” Senator Backer said, “I guess, I would say so, but it doesn’t specifically say that.” Senator Peter said, “But, the president does not have the option of appointing someone that the Senate does not approve, is this correct?” Senator Backer said, “It’s not in the policy, but that’s how I interpret it.”

Senator Henderson asked, “Has the Associated Students Director of Extracurricular Activities been added to the Athletics Board membership?” Senator Backer said, “Yes, at the recommendation of Senator Grabowski.”

Senator Peter said, “Can you tell me a little bit more about what prompted the change in membership?” Senator Backer said, “The change in membership evolved out of lots of discussion and a lot of it relying on the Coalition of Intercollegiate Athletics (COIA) report which recommended that a majority of the voting members of any Athletics Board should be tenured faculty. We didn’t go all that way, there will be at least four tenured members.”

Senator Campsey said, “There are two influences, COIA and the NCAA peer review process.”

Senator Van Selst said, “Has the Athletics Department, Athletics Board, and FAR seen this and responded to it?” Senator Backer said, “Yes.”

VII. Special Committee Reports – None

VIII. New Business –

Candidate Statements by College Nominees for the Faculty Representatives to the Presidential Selection Advisory Committee to the Trustees.

Roger Alperin, Emily Allen, Chris Jochim, Annette Nellen, Kenneth Peter, and Dave Rudel gave their statements. (Note: Christine DiSalvo, and Roxana Marachi could not be present to give their statements.)

The Senate voted by secret ballot and Kenneth Peter and Annette Nellen were elected.

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

A. Statewide Academic Senators –

Senator Sabalius said, “The MBA Graduate fee came up during the last meeting. There was widespread opposition. We decided to collect various pros and cons for the November meeting.”

B. Provost – Not present.

C. Vice President for Administration and Finance – Not present.

D. Vice President for Student Affairs – Not present.

E. Associated Students President –

Senator Henderson said, “We are going to appoint our Director of Faculty Affairs at our next meeting on October 24th. We are also going to hold nominations for the Presidential Search Committee, and we are continuing to work on time, place, and manner, as well as our by-laws.”

F. Vice President for University Advancement – Not present.

X. Adjournment – The meeting adjourned at 4:40 p.m.