

2009/2010 Academic Senate

**MINUTES
December 7, 2009**

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

Ex Officio:

Present: Kaufman, Lessow-Hurley,
Baker, Van Selst, Meldal,
Whitmore, Sabalius

CASA Representatives:

Present: Hendrick, Schultz-Krohn,
Absent: Correia, Kao, Fee

Administrative Representatives:

Present: Selter, Lee, Najjar
Absent: Phillips

COB Representatives:

Present: Campsey, Roldan, Jiang

Deans:

Present: Parrish, Merdinger, Bullock,
Stacks

EDUC Representatives:

Present: Smith, Kimbarow

Students:

Present: Levy, Armendariz, Pulu
Gonzales, Orr
Absent: Montross

ENGR Representatives:

Present: Gleixner, Backer
Absent: Du

Alumni Representative:

Present: Walters

H&A Representatives:

Present: Butler, Brown, Brada-Williams, Fleck
Absent: Desalvo, Van Hooff

Emeritus Representative:

Present: Buzanski

SCI Representatives:

Present: McClory, Williams, Silber, McGee
Absent: d'Alarcao

Honorary Senators (Non-Voting):

Present: Norton

General Unit Representatives:

Present: Sivertsen, Lin
Absent: Fujimoto

SOS Representatives:

Present: Ng, Heiden, Lee, Von Till

II. Approval of Academic Senate Minutes–

Senator Brada-Williams noted that she and Senator Fleck had accidentally been listed under the college of Science in the attendance roster instead of the College of Humanities and the Arts. Chair Kaufman responded that the minutes would be amended. A motion was made and seconded to approve the minutes of November 16, 2009 as amended. The Senate voted and the minutes were approved with 1 abstention.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Kaufman made the following announcements:

The Chair wished the Senators happy holidays, and reminded everyone that this would be our last Senate meeting until February 8, 2010.

The Chair reminded Senators that the President's party for the Academic Senate is from 3:00 p.m. to 5:00 p.m. this Sunday, December 13, 2009.

The Chair and Senators congratulated Senator Selter on his permanent selection as Provost.

The Chair noted that a resolution had been passed by the CSU Statewide Academic Senate calling for March 2, 2009, to be a day without the CSU. There is a parallel movement by the UC and community colleges to have a *March for Education* on March 4, 2009. At this time there is no move for us to officially declare one of those days a day without the CSU, however, the Chair will be sending out the information to Senators and encouraged them to inform their colleagues should they want to participate.

The Chair announced that there would be a report from the California Faculty Association (CFA), and also a budget report by the Vice President for Finance and Administration, Senator Rose Lee, at today's meeting.

The Chair announced that there would be a short break for the Senators to enjoy cake after the CFA presentation.

B. From the President of the University –

President Whitmore made the following announcements:

The President thanked the Senators for their hard work this semester, and announced that he had recorded a message to go out to all faculty, staff, and students thanking them for their cooperation and goodwill during this very difficult semester.

The President commented that the spring semester should be a little better than fall, because we will be graduating some students and not accepting any new students. In addition, the university has received some federal stimulus money that will allow us to offer more sections.

The President noted that since we have been through a semester of furloughs, we will be better prepared for dealing with them this spring.

The President thanked Senator Lessow-Hurley for chairing the Provost Search Committee. There were four finalists, but two withdrew at the last minute. There were two remaining qualified candidates but neither of them was perfect. The president asked about 40 people what they thought of the candidates and they indicated that while they were good, they would not be as good as Interim Provost Selter. The President then approached Provost Selter about delaying his retirement and staying on as our permanent Provost. The President thanked Provost Selter for his hard work during the time he was Interim Provost.

The President announced that the Executive Committee had given him a list of names to consider for the search committee for the Vice President for Student Affairs, and he is in the process of putting together that committee. The President hopes to convene the committee at least once before the end of the fall semester, but if that is not possible then first thing in the spring.

The President announced that they are preparing an Op Ed piece that outlines the impact the budget cuts have had on the university and why we need that funding returned, that will be released early next semester.

The President commented that he was looking forward to seeing the Senators at the holiday party at his home this Sunday, December 13, 2009.

Questions:

Senator Stacks asked if the Chancellor had provided any information to the Presidents about the Faculty Trustee yet. President Whitmore responded that he did not have an answer right now, but would ask at his meeting at the Chancellor's Office tomorrow.

IV. Executive Committee Report –

A. Executive Committee Minutes –

Minutes of November 9, 2009 – no questions.

Minutes of November 30, 2009 –

Senator Lessow-Hurley commented that the Executive Committee minutes of November 30, 2009, did not adequately address her comments and concerns about the organizational chart. Senator Lessow-Hurley noted that she posed the question in item 2, and it was actually around who reported to the CIO, and her concern that the university does not have an organizational chart for the entire university. There are administrative organizational charts, but they only record people at a certain level. Faculty members do not show up on any of the organizational charts, nor do they list the number of faculty in the colleges. Senator Lessow-Hurley commented that this would be very beneficial to the university.

[Note: Standing Rule 17a, Senate Handbook, limits what the Senate Administrator may record in the Executive Committee Minutes as follows: “Minutes shall consist of a statement of subjects covered and conclusions (if any) reached. There shall be no information included that would identify the vote or remarks of any individual member or group of member, unless agreed to by the member or members and by the committee.”]

B. Consent Calendar – A motion was made and seconded to approve the consent calendar. The Senate voted and the consent calendar was approved as written.

C. Executive Committee Action Items – None

V. Unfinished Business - None

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

A. Curriculum and Research Committee (C&R) - No report.

B. Organization and Government Committee (O&G):

Senator Heiden presented *AS 1426, Senate Management Resolution, Revision to Admissions and Standards Committee Title (Final Reading)*. Senator Backer wanted to know why the committee didn't combine AS 1426 and AS 1427 into one resolution. Senator Heiden responded that the O&G Committee considered them to be 2 separate issues. Senator Backer noted that they still could have been combined on the same resolution. Senator Heiden responded that it was recommended to her that they be separate resolutions. A motion was made to approve the resolution. The motion was seconded. **The Senate voted and AS 1426 passed as written.**

Senator Heiden presented *AS 1427, Senate Management Resolution, Change to Composition of Admissions and Standards Committee (Final Reading)*. Senator Backer presented a friendly amendment to change the title of the resolution to read, "Change to the Composition of the Academic Disqualification and Reinstatement Review Committee." Senator Brada-Williams presented a friendly amendment to remove the VP of Student Affairs, and to add, "or designee" to the AVP Undergraduate Studies, AVP Enrollment Services, and the AVP Graduate Studies and Research. **The Senate voted and AS 1427 was approved as amended.**

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

Senator Gleixner presented *AS 1424, Sense of the Senate Resolution, Opposition to the Reduction in State Support to the CSU System (Final Reading)*. Senator Stacks presented a friendly amendment to change the 3rd line of the 1st Resolved clause to read, "advocates for increased CSU funding to the legislature, Governor." **The Senate voted and AS 1424 was approved as amended, with 1 Nay, and no Abstentions.**

Senator Gleixner presented *AS 1428, Policy Recommendation, Policy on Late and Retroactive Enrollment (Final Reading)*. Senator Gleixner announced several amendments that were made by the Registrar after the Senate packet had already went to print. The first line of the resolved clause should read, "Fall 2010" instead of "Spring 2010." A new paragraph shall be added to the end of the 1st page to read, "The submission deadline and processing time of these petitions will be determined in the process of designing the registration and payment timelines within the academic calendar." Senator Stacks presented a friendly amendment to change the 1st line of the "In the case of University error" section to read, "Faculty are encouraged to reconcile their MySJSU rosters with the students participating in their class both before..." Senator Brada-Williams presented a friendly amendment to change the *Verification of rosters* section to read, "Faculty are encouraged to reconcile their MySJSU rosters with the students participating in their class before both the add date and the census date to determine that all students are enrolled." Senator Gleixner presented a friendly amendment to the Brada-Williams amendment to change the *Verification of rosters* section to read, "Faculty are encouraged to reconcile their MySJSU rosters with the students participating in their class both before the add date and the census date." Senator Meldal presented an amendment to strike the entire paragraph in the section, *In the case of University error*. The Senate voted and the

Meldal amendment failed. Senator Silber made a motion to return the resolution to the I&SA Committee for a rewrite. The motion was seconded. The Senate voted and the Silber motion failed. Senator Van Selst presented an amendment to add an additional paragraph to the, *Verification of rosters*, section to read, “Students are encouraged to reconcile their MySJSU schedule of classes with the courses they think they are enrolled in.” **The Senate voted and AS 1428 passed as amended.**

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

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

VII. Special Committee Reports – No reports

VIII. New Business –

A. Presentation by the California Faculty Association (CFA) –

Mr. Jonathan Karpf gave a brief presentation for the CFA. Mr. Karpf noted that this is the most dismal bargaining climate that the CFA has ever faced. The CFA is currently in fact-finding for the 2008-2009 General Salary Increases (GSI), Service Salary Increases (SSI), and equity raises for Associate and full Professors. The Chancellor’s Office offered 0-0-0 for those in bargaining. The CFA and the Chancellor’s Office went through the statutory process of mediation, which didn’t bring both parties back to the table. The CFA and the Chancellor’s Office are now entering the last statutory stage of fact-finding. The CFA tried to combine the 0-0-0 offer for 2009-2010 with the zero offer for 2008-2009, but was unable to do so. The CFA is currently entering mediation on the 2009-2010 offer, but they suspect it will have to go through its own fact-finding. The CFA is trying to get something from the previously bargained raises in the current contract, but that remains to be seen.

Fact-finding is non-binding process. Even if the fact-finding report supports the raises, the administration may not. If the administration refuses to offer anything but zero on the previously negotiated raises, it puts the faculty in the unenviable position (given the current climate) of having it imposed on them, in which case the CFA can enter into certain activities.

Questions:

Senator Heiden commented that it was her understanding that some of the state unions have delayed entering into bargaining given the current climate, rather than enter into a contract that is not to our advantage and wanted to know if the CFA had considered this. Senator Heiden also wanted to know if the CFA supported the resolution passed by the CSU Statewide Academic Senate regarding the March 2, 2009 furlough day.

Mr. Karpf responded that to the best of his knowledge none of the CSU bargaining units had delayed opening up their successor contract bargaining. The Academic Professionals (APC), for example, was invited by the Chancellor’s Office to engage in what is called *Interest-Based Bargaining*. Interest-Based Bargaining is a non-confrontational style of bargaining. It is predicated on mutual trust. APC is skeptical. It isn’t something, given the current climate, that the CFA would consider engaging in.

Mr. Karpf noted that they have 2 options when the current contract expires. The CFA can go for an extension of the current collective bargaining agreement, or open up the entire contract. However, the CFA may consider extending the current contract, because opening up the entire contract for bargaining could result in the CSU asking for takebacks. The CFA is currently surveying faculty at each campus to determine which direction the faculty want them to proceed. If all the articles were opened up for bargaining, the CSU has indicated that they would like to make major modifications to Article 10, the Grievance Article, because they are very unhappy with the role of the arbitrator. The CSU would also like to get rid of FERP in Article 12, and they have attempted to do so for several contracts now, in spite of the fact that FERP saves them money. The CFA also has reason to believe that the CSU would like to go into Article 31, the salary article, and do what the furloughs didn't do, and lower the salary schedule. The CFA has some real concerns, because those bargaining unions that have opened up their contracts have faced significant cutbacks. The only real power that workers have is the power to withhold their labor. Our current economic conditions would not allow us to achieve anything using that route.

The CFA along with all the other higher education sectors are part of this larger coalition that has met several times recently, and they have come up with the week of March 2nd and March 4th as a week of action across all sectors of higher education.

Senator Parrish wanted to know if the proposition of furloughs for another year had been discussed at all. Mr. Karpf responded that there had been no official word coming down from the Chancellor's Office. The CFA feels that some of the restructuring proposals were designed to be *shock treatment* to get the faculty to accept another year of furloughs. Mr. Karpf's opinion is that the CSU wants the request to come from the faculty. However, there has not been an official request from the CSU to the CFA.

Senator Smith wanted to know if interest-based bargaining had ever been tried in the CSU, and if it hadn't been, he encouraged the CFA to engage in it. Mr. Karpf commented that the mutual interest that the CFA has with the CSU is in getting adequate funding for the CSU. The CSU is talking about interest-based bargaining in our contract negotiations. It makes a great deal of sense in theory, but the issues of most concern to CFA members and non-members alike is compensation and workload. The CFA feels it is unlikely, given the current climate, that interest-based bargaining would be successful in achieving anything for faculty in terms of either salary or workload. For example, the net effect of restructuring at other campuses has been an increase in workload. Senator Sabalius commented that interest-based bargaining would be very difficult given that the Chancellor has proclaimed that faculty should be teaching an additional class each year. The CSU already has one of the highest teaching loads of any of the public colleges in the nation. Mr. Karpf commented that the Chancellor appears to be disconnected from the day-to-day realities of the faculty.

B. Presentation on the budget by VP for Administration and Finance, Senator Rose Lee – VP Lee introduced the new AVP for Finance, Josee Larochelle. Josee and her staff put together the budget book.

On page ii, there is a chart showing the State General Fund revenue, the CSU percentage of the State General Fund revenue, and the Department of Finance (DOF) projected revenue need for the State General Fund. There is a gap between the DOF projected State General Fund Revenue need, and the actual State General Fund revenue beginning in 2007-2008 and that gap has continued to widen to \$20.6 billion today. The CSU percentage of the State General Fund has also continued to decrease from 3.69% in 1999 to 1.80% today. In November 2009, the Trustees passed their budget and sent it to the governor requesting \$601 million to close that gap. For the first time in 2009/2010, the state appropriation to SJSU was less than 50% of the General Fund appropriation. VP Lee believes this will continue to decrease with the coming years.

SJSU had a \$44 million shortfall at the beginning of fiscal year 2009/2010. After a 32% student fee increase and a \$7 million university-wide reduction, we still had a \$19 million shortfall. The remaining \$19 million was met by salary savings from furlough days.

Page 3 shows the SJSU General Fund appropriation. Approximately 49.7% or \$130,767,848 came from student fees, and 47.6% or \$125,111,472 came from the state. Another \$6,390,035 came from transfers in from other funds, e.g., lottery funds, IES, parking, work study, etc., and \$745,611 came from other revenue sources. This amounts to a total SJSU General Fund appropriation of \$263,014,966.

On page 6 there is a recap of how we came to the \$19 million shortfall. Page 6 shows that we began FY 2009-2010 with roughly \$10,131,126 of base and one-time funds to do some planning with. In the middle of the page it shows our mandatory costs. We had mandatory PPI costs of approximately \$555,000, health premium increases of \$839,167, dental premium increases of \$285,000, and Energy/Utility costs of \$902,000. This brings our total mandatory costs to approximately \$2,581,167. In addition, we had previously approved costs for the Accessible Technology Initiative (ATI), the Wireless Service, the Comprehensive Campaign, Waived Facilities Costs, Homecoming, and a Reserve of \$12,126,586.

The reserve is there for a couple of reasons. There is a class action lawsuit against the CSU over the latest round of student fee increases, and we do not know if we will win that. If we lost the lawsuit, our liability would be somewhere around \$6 million. We also did not know if we would meet our enrollment, so money was put aside in the event of a shortfall.

One area the university is watching very closely is non-resident fees. The university collects a little over \$15 million in non-resident fees, including international and out of state. If we don't have the same number of non-resident students as we had last year, we could be in a shortfall situation.

Page 30 shows the breakdown of the \$2.4 million in lottery funds. \$1.9 million is permanently allocated to meet the operational needs of the university. The remaining funds are earmarked for programs such as Diversity, Early Assessment Math, and the California Pre-Doctoral Program. In addition to the \$2.4 million, \$150,000 was carried over from last year and will be used to support 2009-2010 mandatory, previously approved, and high priority projects. Three years ago, the Goals Advisory Committee (GAC) and the University Planning Council (UPC) approved the

use of lottery funds to permanently fund certain programs such as diversity projects, and the pre-doctoral program. Page 31 gives a complete breakdown of the funding for these programs.

C. Resolution presented from the floor by Senator Sabalius.

Senator Sabalius presented a *Sense of the Senate Resolution, In Support of ASCSU Resolution, AS 2912-09/FA, Furlough Implementation and Faculty Rights (Final Reading)*. Senator Lessow-Hurley presented an amendment to remove the Whereas clause. The Senate voted and the Lessow-Hurley amendment was approved with 1 Nay. Senator Buzanski made a motion to call the question. The Senate voted and the motion was approved. **The Senate voted and the resolution was approved, as amended, with 3 Nays, and 2 abstentions.**

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

- A. Vice President for Student Affairs** – No report.
- B. Associated Students (AS) President** – No report.
- C. Vice President for University Advancement** – No report.
- D. CSU Statewide Senators** – No report.
- E. Provost** – No report.
- F. Vice President for Finance and Administration** – No report.

X. Adjournment – A motion was made to extend the meeting for 10 minutes. The motion was seconded. The Senate voted and the motion failed. The meeting adjourned at 5:02 p.m.