

2013/2014 Academic Senate

MINUTES
November 18, 2013

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

Ex Officio:

Present: Heiden, Von Till,
Lessow-Hurley,
Ayala, Van Selst
Absent: Sabalius

CASA Representatives:

Present: Schultz-Krohn, Hebert, Cara, Goyal

Administrative Representatives:

Present: Dukes, Nance,
Qayoumi, Bibb
Absent: Junn

COB Representatives:

Present: Campsey
Absent: Nellen

Deans:

Present: Kifer, Green, Stacks,
Vollendorf

EDUC Representatives:

Present: Kimbarow, Swanson

Students:

Present: Gupta, Jeffrey, Hart, Miller
Gottheil, Hernandez

ENGR Representatives:

Present: Du, Gleixner
Absent: Backer

Alumni Representative:

Present: Walters

H&A Representatives:

Present: Brown, Frazier, Bacich, Harris,
Brada-Williams, Grindstaff

Emeritus Representative:

Present: Buzanski

SCI Representatives:

Present: McClory, Bros-Seemann, Kress, Kaufman

General Unit Representatives:

Present: Kohn, Kauppila, Fujimoto,
Morazes

SOS Representatives:

Present: Trulio, Ng, Peter, Rudy, Wilson

II. Approval of Academic Senate Minutes–

The Senate minutes of October 21, 2013 were approved with 2 abstentions.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Heiden made the following announcements:

The annual Senate Holiday Party at the President’s home is December 8, 2013 from 2 p.m. to 4 p.m. Please RSVP to Sherri Bragg in the President’s Office as early as possible.

Senator Peter presented a motion to suspend the rules to make AS 1531 a time certain of 4:15 p.m. The Senate voted and the motion passed unanimously.

B. From the President of the University – No report.

IV. Executive Committee Report –

A. Executive Committee Minutes –

Executive Committee Minutes of October 14, 2013 – No questions.

B. Consent Calendar – The Senate voted and the consent calendar was approved unanimously.

C. Executive Committee Action Items:

Senator Van Selst presented *AS 1529, Sense of the Senate Resolution, Legislation to Ensure Continuous Faculty Trustee Presence on the California State University Board of Trustees (Final Reading)*. **The Senate voted and AS 1529 was approved unanimously.**

V. Unfinished Business - None

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

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

Senator Frazier presented *AS 1524, Policy Recommendation, Students’ Rights to Timely Feedback on Class Assignments (Final Reading)*. **The Senate voted and AS 1524 was approved unanimously.**

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

C. Professional Standards Committee (PS) –

Senator Peter presented *AS 1530, Sense of the Senate Resolution, Endorsing a Proposal to Reform the SJSU Policy on Retention, Tenure, and Promotion by Adopting the “Flexible Achievement” Plan (First Reading)*.

The PS Committee is now working on a major revision to the Retention-Tenure-Promotion (RTP) policy. The existing policy was passed in 1998. When Senator Bros-Seemann was Chair of the PS Committee [2004-2005], the committee brought a revised RTP policy to the Senate for approval. The Senate passed the revised version but it was not accepted by the President. We now have a 15-year-old policy that the PS Committee is attempting to revise.

A campus-wide survey was sent out to gather information about what changes were needed to the RTP policy, and the PS Committee has also met with the college RTP Committees, and the Provost. The committee took this information and prepared a report of the findings that Senator Peter forwarded to the Senate last May [2013].

The reason the committee is bringing this Sense of the Senate Resolution today is to get the Senate’s support for the strategy the committee is using to revise the policy. The committee does not want to get too far down the road in revisions to the RTP policy if the general direction they are going is not supported by the Senate. Therefore, the committee took the outlines of what they are seeking to do and put it into this Sense of the Senate Resolution and will ask the Senate to endorse this resolution at the December 9, 2013

Senate meeting. If the Senate passes the Sense of the Senate Resolution in December, then the committee will bring a revised RTP policy for approval sometime in Spring 2014.

The campus-wide survey revealed several major categories of complaints in the RTP process. The general complaints included a need for faculty to have some flexibility in the way they develop their careers (the ability to emphasize one side of their professional career more). Faculty also complained about the “voluminous nature of documentation that is required in the RTP process.” The committee is working on a different policy to deal with this that would include electronic dossiers. The last two big categories of complaint included “clarity of criteria and fairness in procedures.”

What the PS Committee has come up with is what they are calling the “Flexible Achievement Plan.” The existing RTP Policy has two general criteria and not three. It is traditional in most universities to discuss research and other similar kinds of things such as artistic achievement in the first category, to discuss teaching in the second category, and to discuss service in the third category. Our 1998 policy does not do that. Our policy has two categories and service is divided among the two categories. If the service is related to the academic side it is included with teaching, but if the service is related to the professional side it is included with research. The PS Committee is proposing three categories. However, there is more involved than just dividing it three ways.

The PS Committee recommends that the faculty member be evaluated in each category, and that the evaluation will be on a scale. The bottom of the scale starts with, “does not meet expectations.” The next level is “meets expectations,” and the third level is “exceeds expectations,” followed with “excellent” and “truly outstanding.” A candidate would need to “meet expectations in all categories, but also amass an acceptable overall rating.” (Note: The PS Committee has not specified a number that represents an acceptable overall rating at this time, but will do so in the final policy.)

The point of these changes is “not to make the process more difficult or confusing, but to give faculty the choice of whether they want to emphasize one dimension over another or to distribute their professional development equally across all three categories. It also helps solve the problem of early tenure and early promotion, and establishes higher standards for promotion to full professor than for promotion to associate professor.

The new policy would require published department expectations for achievement which would define what was required to attain the ratings in each category. This would be required among scholarly endeavors and be optional for the other two categories. The published system of expectations for achievement should be reviewable and be approved through the same process used to approve department guidelines.”

Questions:

The following questions were raised by (This is a bit awkward to read. It may sound better if you said by various Senators) and Senator Peter provided the responses noted

below:

Q - If the department were to setup guidelines on what would satisfy the requirement for scholarly achievement, then what would be the purpose of the review committees above the department level weighing in on scholarly achievement?

A - The expectations for achievement will need to be reviewed and approved by higher level committees. If these committees feel that the expectation is too minimal they could say so at that time, but if the expectation is agreed upon then this could change the nature of what some committees do.

Q - Appointment letters sometimes contain great specificity about expectations of the faculty, so how would this work or fit with the ranking system? Also, departments may want faculty with different contributions in different areas, so how would that fit in with faculty coming up through this process? What if a department has too many scholars, and not enough service? In addition, what happens if the faculty member changes his/her mind about what they want to do down the line?

A – These concerns will be taken back to the PS Committee for consideration.

Q – Written documents that state what you must have become reasons to not grant tenure, and this process could establish written documents that might be considered more like contracts. In addition, how can a department cover all the possibilities that might occur? For instance, what if you have someone that writes best sellers for a major newspaper, instead of publishing articles in scholarly journals. These type of situations may not occur to departments and may come up later. How would this be handled in the expectations for achievement?

A – These concerns will be taken back to the PS Committee for consideration.

Q – How and when will the policy be implemented, and will faculty have a choice of what policy they are evaluated under during the transition process?

A – If the policy is eventually written and adopted there would be a phase in period. The length of the phase in would depend on when the policy is actually passed.

Q – Is it correct to say that the policy would list the categories, but would not list any criteria in the categories? Also, since there is increasing evidence of scholarship that relies on internet or web-based databases, if there isn't criteria in the category of scholarship, then how could you prevent department A or department X from denigrating this new area of available resources?

A – The existing policy has a long list of what counts in each of the categories. The PS Committee intends to keep and expand these lists when they prepare the new policy.

Q – How would the approval process for the “expectations of achievement” work?

A – Currently, we have guidelines that every department has embraced, and under this new policy departments would have expectations. Departments could opt for college-wide or university-wide expectations for teaching and service, but would be expected to establish their own scholarly expectations that would be reviewed in a similar way to the way we currently review department guidelines.

Q – What happens several years down the road if the review committees then begin to dictate what department expectations should be?

A – From what the PS Committee members have seen, the authorities have tended to embrace it when departments have wanted to shape their guidelines in a particular way.

Q – Concern was expressed that everyone will need to work collectively to ensure we are still meeting scholarly teaching standards.

A – We will need to establish strong minimum standards in each category.

Q – Is the attempt to add the 5 point scale to the three categories an attempt to say they are all equal weight, and is this a change in direction?

A – This was not necessarily the intent of the PS Committee, but it does allow individuals to determine where they want to put their weight. One candidate may decide to emphasize scholarship and try to excel in that area, while another candidate may want to be more balanced in all categories. Individual candidates will have some flexibility as to how they weigh the three categories for themselves. However, if the university wants to say that the individual shouldn't have this degree of flexibility and one category should always count for more, than this is not the right policy.

Q – Did the committee consider possibly adding another level on the scale in between “meets expectations” and “doesn't meet expectations” of “needs improvement”? This could be used for new faculty in their beginning years before getting tenure.

A – The PS Committee hasn't determined whether the five point scale will be used for retention purposes yet. However, the PS Committee would like to see the early reviews in years one through five be oriented towards faculty development in an effort to help them improve. The idea is to give candidates a clear idea if they are on track to reach certain levels in the three categories.

Q – How will this policy accommodate smaller programs and departments that have small numbers of tenure/tenure-track faculty that have larger and larger service responsibility? This policy would permit very small amounts of service, and yet the service work needs to be done in these departments. Some faculty members in these smaller departments have indicated that the increased amount of service work has eroded their desire to become better teachers and to work more on scholarly achievements. If one faculty member chooses not to emphasize service, then will this mean that another faculty

member in the department will have to increase their service work more than he/she intended to?

A – That is a great question. The RTP policy alone cannot solve the problem of the erosion of the faculty base and the increasing service load placed on those remaining faculty. However, a more flexible policy will provide some protection to those that by choice or by force wind up having to devote a much larger part of their career to service. Under this policy, a faculty member could get more credit for the service work they have been doing than they have been getting under the existing policy.

The PS Committee voted to temporarily withdraw *AS 1523, Sense of the Senate Resolution, Concerning the Need to Continue to Increase the Proportion of Tenured and Tenure Track Faculty at San José State University*. Senators may see an upgraded version of this resolution early next semester. The CSU announced a plan to hire 500 additional faculty in the system and the PS Committee wants to absorb that and some additional changes and suggestions they have received.

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

Senator Gleixner presented *AS 1520, Policy Recommendation, Technology Intensive, Hybrid and Online Courses and Programs (Final Reading)*.

Senator Bros-Seemann presented an amendment to add number 9. to section II.B. to read, “Non-tenure/tenure track or untenured faculty cannot be compelled to develop online curricula.” The amendment was not seconded.

Senator Brown presented an amendment to add D. to section IV. to read, “No faculty, program, or department shall grant ownership of courses to any private or public entity.” The amendment was seconded. The Senate voted and the Brown amendment failed.

Senator Peter presented an amendment that was friendly to strike II.B.8.

Senator Kaufman presented an amendment to strike the first two sentences of II.A.5. The amendment was seconded. Senator Buzanski called the question. The Senate voted on the Buzanski motion and it passed. **The Senate voted on the Kaufman amendment and it failed.**

[Note – Debate on AS 1520 was postponed due to the time certain of 4:15 p.m. for review of AS 1530. Debate was not resumed on AS 1520 due to insufficient time, and debate will be continued at the December 9, 2013 meeting.]

E. Organization and Government Committee (O&G): No report.

VII. Special Committee Reports – No report.

VIII. New Business –

Senator Peter presented *AS 1531, Sense of the Senate Resolution, Requesting that Chancellor Tim White Undertake a Prompt Review of SJSU Governance (Final Reading)*.

Senator Peter made the following comments:

“I move that the body adopt *AS 1531, Sense of the Senate Resolution, Requesting that Chancellor Tim White Undertake a Prompt Review of SJSU Governance (Final Reading)*. The motion was seconded.

I bring this resolution to you with the support of your Senate leadership. I must begin with a personal statement. This is a difficult moment for San José State University, and it is a difficult moment for each of us. All of us in this room love this institution, and most of us like and respect each other. One of the enriching aspects of belonging to the Senate is that we develop relationships with members of campus leadership in a way that our constituents usually cannot. We humanize each other and this can lead to relationships that transcend hierarchy. In this body after all, the President, like each of us, is a Senator. But, if the development of collegiality is a benefit to being in this body, there can also be a hazard. Sometimes in order to do our duty for our constituents, we must tell others some unpleasant truths. The president knows this. He has had to tell us some unpleasant truths about the budget, but there are other unpleasant truths that need to be told.

The first whereas clause of the resolution states that we have received widespread expressions of concern from our faculty and student constituents, and from some administrative offices about the present efficacy of San José State University governance. This is an unpleasant truth. In my 24 years at San José State University, most of the time on this Senate, I have never heard such widespread and deep concern about the direction our campus has been taking. These concerns came to a head recently over the scheduling fiasco, but they have been growing episode-by-episode for over a year. I have been approached by faculty and students coming from my office, stopping me in the hall, emailing me, talking to me after class, and calling me at home. Many of these people have never been particularly active in university politics. Many of them, like me, have never been accused of being permanently angry or hot-headed. Unlike a number of other crises that I have witnessed in my career, I also began to hear from a variety of members of the administration. In nearly all of these conversations, the same phrase comes up. They all love San José State University and they tell me we have to do something to save it. Some of them don't know what should be done. Some of them direct all of their anger at the president, but all of them know that we cannot continue as we are. In short, nearly everyone here knows we have a problem.

The second whereas clause states that a series of conflicts over the last year have highlighted issues related to communication and transparency, and has opened serious rifts in our shared sense of community and has contributed to extremely low morale. This too is an unpleasant truth. I personally believe that the present administration does have the interests of San José State University at heart, and it has attempted to serve

these interests in the best way it knows how. It has made efforts to communicate with the campus and to explain our challenges, but at some point we must admit that these efforts have failed. For one reason or another my constituents feel disrespected, taken for granted, and demoralized. People who have devoted decades of their lives to San José State University and have weathered numerous storms believe this is the lowest point.

The third whereas states that, “San José State University needs to refocus its attention on our core mission to serve our students and community.” We do. As more and more energy gets sucked into the internal conflict, there is less and less creative energy left for teaching our students, serving our community, exploring the boundaries of knowledge, and seeking solutions. But, our track record over the last year bodes poorly for the prospect of rebuilding morale and initiating constructive change. We have lurched from the crisis over how MOOCs were handled, the crisis over how reform of auxiliaries was handled, and the crisis over something as basic as budgeting and scheduling. Each one of these conflicts divided us when we needed to be unified. We have enough of a crisis dealing with the systematic starvation of the CSU without these needless self-inflicted wounds. When times are hard, we need leadership to do everything possible to unify us as a community, not to create a series of new points of division.

The fourth whereas states that, “A fresh look at the San José State University situation from outside the campus would help to diagnose problems and identify solutions.” This is our hope, as a campus we quite clearly not been able to diagnose and cure our own governance problems. It has not been for lack of trying. Good faith efforts have been made, many of them from behind the scenes. Each time we think we have made progress. Each time mistakes are corrected. Each time anger turns, for a time, back to civility. Each time we hope to do better, and each time there is another time. If we could fix it ourselves, it would have been done by now.

The first resolved clause is a request for Chancellor White to conduct a broad review of governance here at San José State University, and to use the results to help us to improve the efficacy of management and restore a strong sense of shared purpose.

The second resolved clause emphasizes the point that passing this resolution does not pre-judge any particular outcome. We know the general problem, but the specific diagnosis and cure must emerge from the careful review process in which all campus constituencies are confidentially and fairly consulted.

Beyond what I have just said, I see no constructive purpose to listing all of the various complaints and grievances that constituents have raised. A good review will hear from everyone, and all the problems can be investigated in due course in a manner based on facts and fairness more than on public rhetoric. These problems should be investigated with an eye for solutions, since our shared love for San José State University as an institution requires that we set aside any personal grief to focus on the public good.”

Senator Lessow-Hurley commented, “I rise to support this resolution. A series of events has led us to this point, not as the press has suggested only about MOOCs, or only about the budget, or only about any particular person. This is about confluence of events that has led people to a level of discomfort, dismay, and frustration that is unprecedented in my 30 some years at this institution as a faculty member. A university is a special and a meaningful place. A university certainly prepares people for work, and we hear a lot about that these days, but that is not all we do. We are not a vocational school. A university is a space where students and faculty in relationship with one another develop and grow as intellectuals, as citizens, and as human beings. For this important work of the university to take place and succeed, we may need—indeed we must have—an environment of transparency, communication, and above all an environment of mutual respect. Some people have called for a vote of “no confidence” in our administration. Those of us that have crafted this resolution don’t see that as a collegial, constructive, or particularly respectful approach. This resolution is an effort on behalf of faculty Senate leadership to respectfully promote communication and transparency, and to nurture this environment that means so much to us where the real work of the university can happen. We hope this resolution will move us forward in a positive direction. In that tenor, I ask you to support this resolution.”

Senator Kimbarow commented, “I too rise in support of this resolution and urge my Senate colleagues to do the same. The faculty leadership of the Academic Senate is a representative group including department chairs, and tenured and temporary faculty. Because of our different roles in the university, we are usually affected differently by what happens on campus, yet when we started our session to find the best approach to solving these concerns and issues that have been expressed previously, we came to a remarkable consensus in a very short time. Collectively we determined that the approach we are proposing is a declaration, if you will, of a vote of confidence in this campus. Confidence in the faculty, confidence in the students, and confidence in the administration that we all want the same things. We want this university to achieve its full potential to provide an outstanding academic experience for our students, and an environment that fully supports the faculty and staff in meeting this goal. I believe this constructive solution, very solution-oriented approach, would be applying the first step in helping us all achieve this goal.”

Senator Gleixner commented, “I am speaking in support of this resolution as well. The tension about communication and transparency on multiple issues is impacting campus morale and confidence. This resolution isn’t just complaints, or voting on something with no teeth, this is a clear and constructive request to move towards a solution. This resolution intentionally doesn’t mention a specific issue, because this isn’t about a solution to one particular problem. This resolution intentionally doesn’t name an individual or insist on a preconceived solution. This is an honest and open request for input on how to make the SJSU community better.”

Senator Van Selst commented, “The question could be asked, what are the next steps that will actually occur and what is the timeline and process? Previous communications, both with our local and system-wide administration, suggest a reasonable timeline and

reasonable process. We will just beg your indulgence to let it work until we have evidence to the contrary.”

Senator Stacks commented, “I too rise in support of this Sense of the Senate Resolution, but perhaps for different reasons. My sense is that we are at a real crossroads with respect to higher education, and that there are incredible stresses that are facing the academy. I think it is going to be challenging for us, as a combined group, to move forward without some outside intervention. One of the reasons I’m supporting this resolution is because there is no preconceived outcome. I think it is really important to realize that the things that we are struggling with are, indeed, things that are being struggled with not necessarily in all the parts at all campuses, but certainly some of the parts at some campuses. San José State University has often been the leader in a number of these kind of activities. I’m proud to be part of an institution that takes itself seriously and wants to move toward being an even more robust institution. I think it would be challenging to do considering our current constraints of how things are set up, but I was appreciative of the positive nature that was stated in this Sense of the Senate Resolution. Only if we get to the point where we are having good communication and transparency, can we actually tussle out and wrestle and get to some strong conclusions in terms of where higher education needs to go. Thank you.”

Senator Schultz-Krohn commented, “I speak in favor of this resolution for several reasons. Although I don’t have the same number of years as some of my esteemed colleagues in the Senate, one of the attractors for me to come to San José State University was its shared governance and its true mission statement that embedded itself within a community. This call is not such a call to point fingers, but more a return to that mission statement. I urge my fellow Senators, and those of us who have far fewer years on the campus than some of the other colleagues here, to endorse this Sense of the Senate Resolution as a call to return to our mission, and to have a community that serves overall the mission statement for San José State University. Thank you.”

President Qayoumi commented, “Fellow Senators, colleagues, and students, I’m about to speak from my heart. I share the love you have for San José State University. The longest period that I have spent in one institution has been with San José State University.

Over three years ago, when I decided to come back to San José State University, I looked at many of the challenges that San José State University had, but I could better see the possibilities that the campus had. Being in the heart of Silicon Valley has so many opportunities, so my motivation in coming here was to see how we could jointly imagine new possibilities where the university could reach new heights. Clearly, I came with open eyes as to the challenges that the CSU system as a whole, and particularly San José State University, was facing.

To mention just a few of these challenges, SJSU had the lowest percentage of tenure/tenure-track faculty in the CSU system, very low retention and graduation rates, a

budget crisis, crumbling facilities, and so on and so forth. That basically is why, when I first started here, I wanted to continue the strategic planning process of Vision 2017.

I tried to get input from everyone on campus. I tried to work as many hours as I could, whether it was weekends or weekdays, to see how I could serve this great institution and serve everyone here, because this institution has so many possibilities, and in terms of where this institution could go.

I think some of you know some of my background, but I think if I tell you some of it you will see why I have this passion for education, and why this has been more than just a career for me. I come from a very backward country, and from a family that had very limited education. My Father only had the opportunity to go to Elementary School, and my Mother did not have the chance to go to school. My Father had a passion for education as a whole. He was always telling us that many times he would wake at night thinking he was at school, and then get up and go to work the next day. Education was something far deeper for me, and that is what has moved me, and why I wanted to be in education. I wanted to see what we could do collectively as an institution.

Good governance is important whether we are talking about a small village, an institution, a country, or the world as a whole. Good governance requires transparency and accountability, and the basis of that is having good communication. In that spirit, I welcome this resolution, and I certainly support it.

I think part of that is how we can look at the major issues SJSU has, because at the end of the day, it has to be all of us collectively coming together to address all of these issues as a community. Thank you very much.”

Senator Bros-Seemann commented, “I too would like to speak in favor of this resolution. I think this is an opportunity to reestablish trust and cooperation through transparency as we move through these crises. This is a great first step in trying to reestablish that trust.”

Senator Buzanski commented, “I speak in favor of the resolution. As many of you know, I have been here since the year 1960. I have worked under every chancellor, and every president of this university since that time. We have had a number of downs, but up until now, the worst down was the faculty strike of 1969. I remember this very well. I was on sabbatical and was called back to chair a three-person committee to deal with the status of the strikers. We had a governor at the time that wanted to fire the faculty under the so-called “five-day” rule. We had a chancellor that wanted the same, and I say that with a great deal of shame, as he was a historian like myself. However, we had a president at the time that wanted a fair solution. Our committee considered the 69 strikers situations. We found that in 68 of the cases the faculty had all taught their classes, but not at the same time the schedule provided or necessarily in the same room. That was enough for the three of us. We determined they had served the university well. There was only one person that refused to teach, and he was the president of the local union and felt when he

went on strike he should not teach. This was a low point, but we got over it quickly. We solved the problem and that was it. We are today at a situation that is unlike the previous low, because now it is obvious that morale is very, very low, and no one single event has caused that. I say that with all due respect for our president. As you know, since I've been here since 1960, President Qayoumi and I were colleagues and shared lunches together in the old faculty club. President Qayoumi is a marvelous person and he obviously has the best interests of the university at heart. Therefore, the solution brought by this resolution seems to be highly appropriate and hopefully successful. Thank you."

Senator Fujimoto commented, "I rise in support of this resolution. I don't have the number of years as many of the Senators here do. However, I do know that I work with students very closely and over the past few years I have seen the challenges that the campus has and how it has affected the students. I've also had the opportunity to talk with a number of faculty now, and I do feel that this resolution is the right direction for our campus."

Senator Kaufman presented a motion to have a vote by secret ballot. This motion was supported by at least five faculty members.

The Senate voted by secret ballot and AS 1531 passed with 38 Yea, 2 Nays, and 5 Abstentions.

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

A. Vice President for University Advancement – No report.

B. Statewide Academic Senators – No report.

C. Provost – No report.

D. Vice President for Administration and Finance – No report.

E. Vice President of Student Affairs – No report.

F. Associated Students President – No report.

X. Adjournment – A motion was made to adjourn the meeting early. The motion was seconded. The Senate voted and the motion passed. The meeting adjourned at 4:46 p.m.