

2017/2018 Academic Senate

MINUTES
November 20, 2017

I. The meeting was called to order at 2:00 p.m. and roll call was taken by the Senate Administrator. Forty-six Senators were present.

Ex Officio:

Present: Frazier, Van Selst, Manzo,
Lee, J.

CASA Representatives:

Present: Schultz-Krohn, Shifflett, Grosvenor, Chin, Sen
Absent: None

Administrative Representatives:

Present: Faas, Wong(Lau), Willey,
Papazian
Absent: Feinstein

COB Representatives:

Present: Rodan, Bullen, He
Absent: None

Deans:

Present: Elliott, Stacks, Jacobs,
Ehrman
Absent: None

EDUC Representatives:

Present: Marachi, Mathur
Absent: None

Students:

Present: De Guzman, Gill,
Busick, Tran, Hospidales
Absent: Donahue

ENGR Representatives:

Present: Chung, Sullivan-Green
Absent: Hamedi-Hagh

Alumni Representative:

Present: Walters

H&A Representatives:

Present: Ormsbee, Khan, Riley, Bacich, McKee
Absent: None

Emeritus Representative:

Present: Buzanski

SCI Representatives:

Present: Cargill, Kim, White
Absent: Rangasayee

Honorary Representative:

Absent: Lessow-Hurley

SOS Representatives:

Present: Peter, Wilson, Curry, Hart
Absent: Liu

General Unit Representatives:

Present: Trousdale, Higgins,
Matoush
Absent: Kauppila

II. Approval of Academic Senate Minutes–
The minutes of October 23, 2017 were approved.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Frazier congratulated Senator Rodan on being elected as our third CSU Statewide Senator and welcomed Dean Sheryl Ehrman as a new Senator.

Chair Frazier announced that the University of Washington has pulled out of the Coalition of Intercollegiate Athletics (COIA). This does not affect SJSU, but is for informational purposes.

Chair Frazier thanked Senators for their support and hard work this semester and wished everyone a Happy Thanksgiving!

B. From the President of the University –

President Papazian acknowledged Romey Sabalius on being appointed as the Faculty Trustee.

President Papazian commented on the recent death of one of our students, and thanked the staff that assisted during those trying times for their extraordinary support to the family and the campus.

Last week was the kickoff of the Student Success Collaborative with the Education Advisory Board. This is something that the campus is participating in with a number of other campuses across the CSU. The agreement is through the Chancellor's Office, but it is an institution-by-institution implementation. For those of you that may not be familiar with it, the Student Success Collaborative is a data-driven analytics company that has been working in higher education for about 10 years. They use the data to develop best practices and strategies for student success. It really is something that will engage faculty and our advisors very well. This is just the first step, but there will be more opportunities in the spring for faculty to ask questions and explore how it might be helpful to them in the service of their students.

We are continuing with the development of our South Campus Athletics Field. The ribbon cutting on the outdoor Tennis Courts will be on December 1, 2017. These are tournament grade courts and there will be a tournament on the tennis courts next year. They were paid for by private donations.

SJSU also received a \$500,000 gift for women's softball. This is the largest gift we have ever received by SJSU for women's athletics. This gift will allow us to move forward right away with the softball facilities upgrade. Our women's softball team won the Mountain West Conference last year without being able to practice on campus. They had to practice at a high school, because they didn't have a home field.

Due to all the construction on South Campus we won't have any parking in May during commencement. For that reason, we have opted for a different model for commencement. We have had some very vigorous conversations in the Executive Committee about commencement, but we do have to make some decisions. The President will be meeting with the deans and chairs in the next couple of weeks and will be discussing this. One thing we will not have is celebrations during final exams week. This is not fair to students. We owe it to our students not to have this distraction during finals week.

In Washington news, the House of Representatives just passed a tax plan, and the Senate has a tax plan close to passing. Both of these bills are very bad for higher education. In the higher education leadership community, we are doing everything we can to reach out to our representatives with SJSU concerns. For instance, here are some of the proposed changes;

Any tuition waiver that is part of a benefit for staff and faculty for their child will now be taxed. Stipends for graduate students would also now be taxed. There is also discussion about the way endowments will be taxed. Our endowment is \$150 million and isn't the size of some of the endowments, but once that happens it starts to affect philanthropic giving. There is a proposal to double the standard deduction. This means that people that would have given more in order to itemize deductions and claim more in returns, won't have to which would reduce giving. There is a proposal to eliminate the estate tax which would impact bequeaths. Another proposal is that students that are taking Pell Grants and don't complete their degree would have to pay the money back. The House bill proposes the elimination of the state and local tax deduction, and this would impact the funding the CSU gets from the state of California. The House has also proposed eliminating the mortgage deduction, and the Senate is proposing limiting it to \$10,000. This is the worst environment we have had nationally for higher education. This is what we are facing in Washington right now.

The President wished the Senate a Happy Thanksgiving.

Questions:

Q: Would it be possible to have a year implementation period as far as changing what the departments are doing with regards to commencement?

A: We don't really have a choice on the stadium for commencement which means we have to convert somewhere. I believe we can all agree that our students shouldn't be disturbed during finals. Aside from this, the idea is to work with the departments as much as possible to ensure they can do as much of what they want to do as can be accommodated. There is no desire to take anything away from the departments. However, we do not want students to feel like they have to pay to graduate and we know from what students are telling us that they think the department graduation is their formal graduation event.

Q: How much of an overlap is there between what the Office of Institutional Effectiveness and Analytics (IEA) is already doing with what the Student Success Collaborative is proposing? Is this costing us anything, and if so, how much?

A: There is a cost, but some of it is being paid for by the Chancellor's Office. The idea is that it will allow us to provide better service to our students and is really more of an investment than a cost. There is very little overlap with what IEA has because it is at the aggregate level. This brings it down to 10-years worth of data for the student level that is major and course specific. The Student Success Collaborative is part of the Student Success Initiative and the funding comes out of those dollars.

Q: I would encourage us to protect the student data so that it is not used in ways that could be potentially harmful to our students. We need to do whatever we can to ensure our cyber security.

A: I couldn't agree with you more. This data will not identify individual students, but we will be mindful of this.

Q: UCCD sent the President a memo about our concerns. If you could help us understand why these changes were initiated. You have stated that students see the department

ceremonies as their graduation, but that isn't what we hear from students.

A: Thank you. We can go into more detail next week when we meet. Students the President meets with tell her this all the time. For instance, 10,000 students graduated this year, and 5,500 rented caps and gowns, but only 2,000 attended commencement because they thought they had already graduated. Students don't know the difference necessarily. The President had initially thought we could wait until next year, but then we got all the philanthropic activity and couldn't wait.

IV. Executive Committee Report:

A. Minutes of the Executive Committee:

Executive Committee Minutes of October 16, 2017 – **No questions**

Executive Committee Minutes of October 30, 2017 – **No questions**

B. Consent Calendar:

There was no dissent to the consent calendar of November 20, 2017.

C. Executive Committee Action Items:

V. Unfinished Business: None

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

A. Professional Standards Committee (PS) –

Senator Peter presented *AS 1646, Policy Recommendation, Selection and Review of Department Chairs and Directors (Final Reading)*. This policy was necessitated when O&G Committee undertook the revision of the Voting Rights policy. PS decided that the voting for the department chair nominees needed to be contained outside of the voting rights policy and within the Department Chair's policy. Many chairs and deans had complained that two different policies needed to be consulted to run an election for a chair nominee. Sometimes only one of the two policies were consulted. This policy combines all the information from both policies into one. Secondly, the Provost requested some changes to the language regarding administrator removal under the old policy. That policy listed several specific grounds for removal. This language is more generic and is also favored by some department chairs. Third, and most importantly perhaps, the election procedures were updated. The deans recommended quite a few of the changes. Among the changes suggested was allowing online participation for departmental meetings. Another change was the clarification of what to do if no one candidate received a majority of the votes, how the ballots are to be counted and who may be present, how the vote totals are to be presented to the President, and the rounding of the lecturer vote so as not to be able to identify a lecturer with an unusual fractional appointment. Deans also wanted changes to how external searches are conducted for department chairs. Under the old policy departments had to have failed in electing a chair before they could ask for an external search and under this policy

they can ask for an external search from the beginning.

Debate:

Senator Peter presented an amendment that was friendly to the body to strike the first “a” in line 23 of the Rationale.

Senator Shifflett presented an amendment that was friendly to the body to line 173, after “5 working days” to add, “, and provide a choice to abstain” in section 3.8.

Senator Lee presented an amendment that was friendly to the body to put an accent mark over the “e” in José in line 217, and in line 485 to change “his/her” to “their.”

Senator Khan presented an amendment that was friendly to the body to change section 2.8 and 3.10 from “part-time faculty” to “lecturers.

President Papazian noted that three different terms are being used to describe lecturers; part-time faculty, temporary faculty, and lecturers. The President asked for clarification. Senator Peter explained that lecturers could be part-time or full-time, but tenure/tenure-track faculty are full-time. O&G cleaned up the voting rights policy and lecturer is used throughout. Senator Lee pointed out that the voting rights policy says that proportional voting rights are given to tenure/tenure-track faculty who are given voting rights in non-permanent departments of assignment. Senator Peter responded that as pertains to this policy a permanent faculty member votes only in his/her home department. The voting rights policy gives them proportional voting rights if the department grants it to them, but would not extend to voting in chair elections.

Senator Lee commented that Senator Peter just said that FERP faculty do not vote in department chair elections however, section 3.8 of this policy says that all faculty can vote by secret ballot. Does this mean FERP aren’t included among faculty. Senator Peter noted FERP faculty are retired. However, Senator Shifflett noted that they have all the rights of regular faculty. Senator Peter noted that the voting rights policy would have to be amended then, and that he was wrong. Senator Buzanski noted that from a legal point of view, when you retire you are an ex-employee. SJSU is one of the few of the CSU campuses that does not take the position that a FERP faculty member has retired.

Senator Peter presented a motion to postpone debate until the December 2017 meeting when he could get clarification on FERP faculty. The Senate voted and the motion to postpone was approved unanimously.

Senator Peter presented *AS 1666, Policy Recommendation, Amendment F to University Policy S15-7, Retention, Tenure and Promotion for Regular Faculty Employees: Procedures Regarding Department Chair Participation on RTP Committees (First Reading)*. **The Senate voted and AS 1666 was approved**

unanimously.

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

Senator Shifflett presented *AS 1669, Policy Recommendation, Amendment to Senate Constitution Regarding Administrative Representatives (First Reading)*.

Senator Shifflett explained that if the Senate approved this proposal it is a constitutional amendment that would go out to the full faculty for a campus-wide vote before going to the President for approval/signature. If approved the amendment would modify the representation of deans and administrators on the Senate and it would remove from Article II, Section 2 any reference to process. Process has been moved to the bylaws. Article II, Section 1 of our constitution says that at least 2/3rds of the membership of the Senate will be members holding office under sections 3, 4, and 5 of this Article, and that is faculty. Currently there are 35 faculty members, 9 administrators, 7 students, 1 alumni representative, and 1 emeritus representative.

The Senate currently has 4 deans or Academic AVPs. The recommendation is to have 2 deans, 2 AVPs from Academic Affairs, and 1 AVP from another Division outside of Academic Affairs.

O&G was asked to review the membership of the Deans and AVPs with the structural changes recently made to move the AVP of Faculty Affairs out from under Academic Affairs, and at the same time was asked to consider expanding the membership to allow for the inclusion of the Deputy Provost. There are currently 4 AVPs in Academic Affairs and 12 outside Academic Affairs. With regard to the Deputy Provost, O&G felt that the Provost was already on the Senate and it would be better to have the other representatives from Academic Affairs come from the college deans and AVPs.

Questions:

Q: Can you explain the effect of adding an additional AVP on the requirement that the Senate have 2/3^{rds} of its membership be faculty?

A: If we drop below the 2/3rds rule then O&G would have to go back and look at the bylaws and make changes to accommodate that by changing the percentage of faculty on the Senate, or add additional faculty. O&G will have to review this.

Q: What are the pros and cons of ex officio nonvoting in this circumstance?

A: O&G just addressed membership. We would still be out of compliance with the number of faculty seats. The Senate has a long history of having administrators vote. However, O&G will discuss this.

Q: The Senate Administrator, Eva Joice, commented that the Senate seat calculation in the bylaws contains a formula and procedure which adjusts and ensures that the Senate maintains the 2/3^{rds} faculty ratio each year. It adjusts itself based on changes such as adding in an additional AVP each year.

A: The Senate may be out of compliance.

Q: As someone that has been the AVC, the Senate may be out of compliance this year, but with the calculation of Senate seats for next year we will be in compliance again. Has O&G looked at this?

A: No

Q: I'm trying to determine how the total number of faculty seats is determined. Does the number of seats automatically expand to adjust to the ratio, or are there a set number of seats?

A: The constitution names the positions, but there is no number identified as to the size of the body. It flexes over time.

Senator Shifflett presented *AS 1656, Policy Recommendation, Modification of Bylaw 1.10 Pertaining to Academic Deans (First Reading)*.

This resolution needs to be considered along with the constitutional amendment to the Academic Deans. This amendment addresses the procedure for selecting the AVP seats on the Senate.

Questions:

Q: Did the committee consider allowing the AVPs outside of Academic Affairs to select the AVP?

A: Yes, extensively. However, O&G felt that the President in consultation with the Executive Committee was in a better position to select the right AVP outside the Senate to serve on the Senate based on what issues the Senate is facing.

Q: Senator Peter announced that the Senate Administrator, Eva Joice, was absolutely correct and that bylaw 1.3a states that the number of faculty on the Senate must be double those not holding faculty seats on the Senate, and if the number of administrators increases the number of faculty will also increase by 2. Has the committee considered whether there is enough interest in serving on the Senate to meet the increase by 1 administrator and 2 faculty?

A: The committee will consider this.

Q: The constitution and bylaws specified who was considered a Dean or Academic AVP, so is this carried over into the changes with the constitution and bylaws?

A: Yes, the constitution tells who the membership is, and the bylaws specify how they are selected. The deans will elect the deans.

Q: Is there a reason not to move this to a final reading?

A: I think O&G needs to really discuss the 66% and know what we are bringing back to you for a final reading and the impact it will have.

Senator Shifflett presented *AS 1670, Senate Management Resolution, Rescinds SM-S96-6, SM-S01-1, and SM-F08-3 (Final Reading)*.

Senator Mathur presented an amendment that was friendly to the body to add “Graduate” to line 39 before “Studies.” **The Senate voted and AS 1670 passed unanimously as amended.**

Senator Shifflett presented *AS 1671, Senate Management Resolution, Addition to the Responsibilities of the Budget Advisory Committee (BAC) Related to Lottery Funds (First Reading)*.

This resolution would place responsibility for review and advice regarding disposition of lottery funds with the BAC. O&G gathered information, over time responsibility for lottery funds moved from the Lottery Committee to the BAC and then to the Strategic Planning Board, etc. O&G believes this responsibility should be brought back under the charge of the BAC.

Questions:

Q: Lines 41 and 42 do not make sense. There appears to be some typographical errors.

A: It actually is correct if you read the strikeouts.

Q: Can you clarify why you struck-out “operating fund,” because does that mean that the BAC should be reviewing Tower and Research Foundation funding?

A: The BAC should review, analyze, and advise the President regarding significant budget actions external to the campus. We did not consider our auxiliaries to be external to the campus. They are part of us. We were talking about matters external to the campus.

Q: Why knockout operating funds?

A: O&G felt that phrasing was too constraining, that’s all.

Q: Why is there an apostrophe in line 66?

A: O&G will fix that.

Q: I just want to clarify then does this open up review of Tower and Research Foundation funds and the funds of other auxiliaries to the BAC?

A: This policy is explicit in many ways and we will definitely discuss this.

Q: I’m having trouble understanding what a budget action is. Is the federal government’s action around state taxes a budget action external to the campus?

A: You have to understand that it was written under the context of the CSU budget proposal budget action. Lottery funds are a budget action, so it seemed to fit. However, if that is making things muddy, O&G will revisit it.

Q: Would O&G consider bringing this back to the Senate as a policy recommendation because it modifies a policy? It is my understanding that Senate Management Resolutions do not go to the President for review and therefore cannot

modify a policy that the President has approved.
A: O&G will consider it.

C. University Library Board (ULB) –

Senator Lee presented a motion to postpone AS 1672, Policy Recommendation, Amendment A to University Library Policy, S15-10 (First Reading) until the December 11, 2017 Senate meeting. The Senate voted and the motion was approved unanimously.

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

E. Instruction and Student Affairs Committee (I&SA) – No report.

Senator Sullivan-Green presented *AS 1649, Policy Recommendation, Registration Priority and Amendment A to S73-4 (First Reading)*.

This amendment is to a policy brought to the Senate in the Spring. It was the policy that changed the priority registration order due to the California Promise Campaign. During the review of the policy, it was recognized that the categories that were used for the specific priority, as well as sections three and four related to procedure were unclear, so I&SA rewrote this policy.

In section 1, each group was split into California Promise Students and regular students. In section 2, the original policy had 4 categories. Categories A, B, and D were related to student organizations or groups and it was not clear what the distinction between the groups was, so we put them all into one category and that category is now A. In section 2.1.1 we made the distinction that some of the groups do not have to reapply every year. Category B relates to special courses. Sections 3 and 4 were grouped into one category that pertains to approval and management of priority registration. Approval of priority registration was previously handled by the Student Success Committee, but their charge and membership was changed this year. I&SA felt oversight should be handled by the Office for Student and Faculty Success. The policy also specifies what everyone's responsibilities are.

Questions:

Q: Who is eligible? What constitutes a California Promise student? Does it apply to all transfer students?

A: The California Promise is a choice that students can elect to participate in, but are not required to. The Frazier legislature established the California Promise and this is just giving us a way to implement this new state statute.

Q: In the rationale it clearly states transfer students with an AA degree for transfer with commitments from the university. I'm wondering if that belongs in the rationale?

A: I&SA will take that under advisement.

VIII. State of the University Announcements:

A. Chief Diversity Officer (CDO):

The CDO is rolling out a new campus climate survey in April 2018. We just completed five focus groups that included faculty, staff, and students in reviewing the last campus climate survey. This year a separate survey will be created for administrators.

Our Title IX Officer search is in its final stages and we will be having interviews next week on campus.

We have been having campus conversations regularly and are having one right now on on gender equity and Title IX and about 50 people were scheduled to attend.

Next semester we will be running intergroup dialogues with our facilitators.

The CDO is examining why graduation rates for our Asian-American students have been declining over the past four years.

Questions:

Q: When Paul Ryan tells congressional people that perform these same kinds of training sessions that they are absolutely useless without the victim being able to confront their own problem with an outside agency that is not responsible to the employer that they are accusing, does that same question occur on this campus?

A: Yes, in the CSU campuses we are fortunate we have an Executive Order. The CDO's Office is paying for a complainant advocate that reports to Kell Fujimoto in Counseling Services. That person does not report to the CDO. The reason is that whether that person decides to file a complaint or not they get services no matter what. We accommodate graduate students and students from other campuses as well. We also have a contract with the YMCA to offer services outside the 9 to 5 frame. A lot of our efforts are in support of students.

B. CSU Statewide Senators:

Last Monday Senator Van Selst sent out a summary of items being considered at the CSU Statewide Senate.

The two most pressing items from the last statewide meeting have been shared governance around the Executive Orders and what should be done both on campuses and at the system level, and the impact the changes from EO 1100 and 1110 will have on campuses. By the Fall 2019, early start will include Math and English courses. This is not an option, the EO says they will include it. A large number of departments and colleges that haven't been in the proficiency development business will have to if they offer D4 courses. This will impact our budget and also International and Extended Studies (IES) as they have typically controlled summer classes. Curriculum is pretty disrupted right now.

C. Associated Students President (AS):

AS recently passed a resolution in support of Dream Act 2017.

Applications for the Student Trustee on the Board of Trustees are being solicited right now and will be accepted until January 12, 2017. Applications can be found at <http://www.calstatestudents.org>.

Senator Gill held a workshop for students called, "Know Your Rights." Over 20 students attended and AS is very happy about that.

The AS Director of Communications is working on a video to teach students how to get involved, and hopefully that will help AS recruit more students for AS and committees, etc.

AS is working to address some of the issues with University Policy S05-4.

AS recently implemented a workplace attire policy.

At the California State Student Association (CSSA) some issues have come up such as accepting EBT on campus for students, and students being mislabeled on class rosters and referred to as "it."

AS endorsed the Student Loan, Refinancing, and Recalculating Act.

AS has invited CSU Statewide Senate Chair, Christine Miller, to come speak to AS about EO 1100 and 1110.

Senator Tran was congratulated on his graduation this December. AS will be reviewing applications and appointing a new AS Director of Internal Affairs that will serve on the Senate and his policy committee by the December meeting.

D. Provost: No report, not present.

E. Vice President of Administration and Finance (VPAF):

VP Faas announced that the Spartan Shops Board voted to put an RFP process in place to look at outsourcing the food and beverage service around campus. Spartan Shops is an auxiliary that reports to a board. That board is made up of 3 faculty, 2 admin, 3 students, and a community person. That is the oversight board that looks at the operations of Spartan Shops Inc. Over the past year and a half that the VPAF has been here, it has been obvious that Spartan Shops Inc. has been underperforming in their role of providing food and beverage service on campus. Their performance is particularly lacking in the dining commons and catering. The VPAF put a motion before the board and the board hired an outside consultant to review Spartan Shops practices. As part of the motion, Spartan Shops will be allowed to try and improve. If Spartan Shops does improve they will be allowed to be included in the bidding for the RFP. The VPAF fully believes that by next June we will have significantly improved offerings to our students, faculty, and staff on campus.

Questions:

Q: How will this affect the student meal plan costs?

A: The VPAF will not allow that rate to go up more than the normal 2% to 3% per year. The quality of food will definitely go up.

Q: What are the big companies you think will be considered?

A: Just in general the three large catering companies are the Chartwells, the Aramark, and Sodexo.

Q: I encourage you to look very closely at the reviews for Aramark, especially in Chicago. They have had some very troubling reviews there that I know of.

A: The committee will look at this and we will bring in people with expertise in the area.

F. Vice President for Student Affairs (VPSA):

For Freshmen applications we are now down only 26% CSU-wide. At one point we were down 50%. For transfer students we are down 24% CSU-systemwide. At SJSU we are down 20% for Freshmen, and 26% for transfer students. Graduate applications are down 34%, but they have a longer application period and have until May 2018 to apply. Today is the deadline if you want to apply to the CSU to be entered into a contest to win a \$5,000 scholarship. The CSU has never done this before. We are hoping we will get much closer to our goal.

We are in the middle of Spring registration right now. We have 25,021 students registered for spring. Spring registration continues until January 21, 2018. We are down for two days, January 22nd and 23rd and then we reopen on January 24, 2018, the first day of classes.

For Spring 2018, so far we've admitted just over 1,000 students, and we are still open for a number of graduate programs.

There are only 12 days left in the semester so we will be starting our finals tables soon. We will have Scantrons, pencils, etc. for students starting on December 13, 14, 15, and again on the 19th.

Questions:

Q: Can you offer any theories why the new application system has become the disaster it appears to be?

A: I can offer you two theories we suspect. One is that for the first time our transfer students have to enter all of their courses. Another theory is that this is also the first time students have not had the option to pay by check.

Q: What amount of anxiety is around these lower numbers?

A: When we were down 50% and 60% we were more nervous but even in the last couple of days we have dropped to just 20% below target. We hope to get a significant push during the last two weeks before the deadline of November 30, 2017.

Q: Regarding international students, which in many ways balance the budget, what are our rates?

A: We are still looking to meet target. We are down 30% for International Freshmen, but we are up 12% for International Transfers. We are also down 34% for International Graduates, but again they have a lot more time. We remain open for international applicants until April 1, 2018.

VIII. Special Committee Reports – No report.

IX. New Business – None

X. Adjournment – The meeting adjourned at 4:20 p.m.