

## 2002/2003 Academic Senate

MINUTES  
April 21, 2003**I. The meeting was called to order at 2:10 p.m. and attendance was taken. Thirty-four Senators were present.****Ex Officio:**

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

**Administrative Representatives:**

Present: Kassing, Rascoe,  
Goodman, Lee

**Deans:**

Present: Breivik, Gorney-Moreno  
Absent: Andrew, Meyers

**Students:**

Present: Tsai, Yuan, Tran, Ortiz  
Absent: Greathouse, Trujillo

**Alumni Representative:**

Present: Guerra

**Emeritus Representative:**

Present: Buzanski

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

Absent: Norton

**General Unit Representatives:**

Present: Main  
Absent: Liu

**CASA Representatives:**

Present: Gonzales, Yen, David,  
Absent: Palakurthi

**COB Representatives:**

Absent: Donoho

**ED Represent:**

Present: Lessow-Hurley, Katz  
Absent: Rickford

**ENG Representatives:**

Present: Singh, Pour  
Absent: Hambaba

**H&A Representatives:**

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

**SCI Representatives:**

Present: Stacks, Matthes, Veregge  
Absent: Boothby

**SOS Representatives:**

Present: Ogaz  
Absent: Ray

**SW Representative:**

Present: Hines

**II. Approval of Academic Senate Minutes –**

Minutes of February 17, 2003 – approved as is.

Minutes of March 17, 2003 – approved with the removal of a sentence in the President's remarks referring to accepting two students for the same funding as one.

**III. Communications****A. From the Chair of the Senate –**

Chair Brent said that a revised agenda had been handed out. There is one new policy recommendation that is included on the new agenda (AS 1208) for consideration. There is also a data sheet pertaining to the smoking survey. Chair Brent announced that if we get to an item before its time certain, we will consider it when we get to it. Chair Brent stated that the Senate office sent out nominating petitions last week for faculty representatives to the CSU Advisory Committee for the Selection of the new SJSU President. We received

nominating petitions from faculty in 5 of the 8 colleges. In two of the colleges, there was only one nominee: Pam Stacks from the College of Science, and Terry Christensen from the College of Social Science. These two will be their college representatives. Three other colleges (Education, Engineering, and CASA) are in the process of conducting elections this week to select their nominee. At the next Senate meeting on May 5th, faculty members of the Senate will select two faculty representatives from among the five faculty nominees from those colleges listed above. Chair Brent asked all Senators to arrive before 2 p.m. for the next two Senate meetings, because there are a lot of policies and other activities we need to get through before the end of the year.

### **Questions:**

Senator Peter asked if Chair Brent was aware that it cost the university \$13 for him to print off the Senate packet (67 pages) on his printer. Senator Peter said that if the university copied the packet it would only cost approximately \$4. Senator Peter asked if there was some way the university could print these for Senators. Chair Brent said he understood the problem, and he agreed with Senator Peter. However, Chair Brent said, the Senate office cannot print that many copies on the Provost's copier, and there wasn't time to send it to duplicating and still get it out to Senators by mail. Chair Brent said he did not get many of the items on the agenda until last Tuesday, and he emailed them out to Senators the very next day. Senator Peter suggested the university might want to buy the Senate office a copy machine. Chair Brent said that would be nice, but even if we got one we would have no place to put it in our current office location. Chair Brent said this problem is partly the result of the Senate rejecting his calendar last year that would have allowed a week in between the policy committee meetings and the Senate meeting. This calendar would have allowed us sufficient time to get the materials from the policy committees, and still have the packet duplicated and mailed out a week before the Senate meetings.

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

## **IV. Executive Committee Report –**

### **A. Executive Committee Minutes –**

**February 24, 2003** – Senator Stacks asked about item number 6, wasn't the discussion more about the process of moving into the Clark Library Building, rather than who was actually moving into the building? Chair Brent said he wasn't there that day and Vice Chair Nellen isn't at today's meeting to ask. Senator Rascoe said she thought the Executive Committee's discussion was more about the process.

**March 10, 2003** – Senator Stacks asked about item number 7, shouldn't it read "25,000 FTES" instead of "25,000 FTE". Chair Brent said we will correct this in the minutes.

**April 7, 2003** – No questions.

### **Budget Advisory Committee Minutes –**

**February 17, 2003 – No questions.**

**March 3, 2003 – No questions.**

**March 17, 2003 – No questions.**

**April 14, 2003 – No questions.**

**B. Consent Calendar – None**

**C. Executive Committee Action Items:**

Senator Sabalius presented *AS 1202, Policy Recommendation: Smoking Policy (First Reading)*. Senator Sabalius said the Executive Committee was charged with the task of devising a "Smoking Policy" by the President. The Executive Committee sent out surveys to faculty and staff, and Associated Students placed this issue on the March 2003 student ballot. The CSU Smoking Policy only required that smoking be banned within 5 feet of any entrance. Our current policy at SJSU is already more restrictive than this. Our policy restricts smoking within 15 feet of any building on campus. Senator Sabalius said that when you examine the results of the survey, it is clear that most people want a more restrictive policy. However, the option "most" and "least" favored on the survey was banning smoking on campus altogether. One large group gave that option as the most desirable, while a second large group gave that option as the least desirable. Therefore, the Executive Committee decided that recommending banning smoking within 25 ft. of any building or window was the most equally tolerated option by all groups.

**Questions:**

Senator Williams asked how the policy could be enforced. Senator Sabalius said that the Executive Committee decided to leave that up to the University Police Department. Chair Brent said the Academic Senate is a legislative body and doesn't enforce any policies. Senator Singh asked if there is some kind of map that shows how far away 25 ft. is? Senator Sabalius said not that he knew of. Senator Singh said this was quite a distance and how would one determine where 25 ft. was. Senator Lessow-Hurley asked why the Executive Committee decided to go with 25 ft., when the survey showed most people wanted it banned altogether. Senator Sabalius said that although this was the most desirable option for one large group, it was also the least desirable option for another group. The Executive Committee compromised and sought to extend the current policy to 25 ft. to accommodate the most people. Senator Buzanski said how can he vote for this policy if there is no way of knowing how far 25 ft. away from a building is. Senator Sabalius said, how can we know how far the current policy of 15 ft. away from a building is if it isn't marked either.

Senator Shifflett presented *AS 1208, Sense of the Senate Resolution: WASC Review Steering Committee (Final Reading)*. Senator Stacks presented a friendly amendment to add a resolved clause that says, "Resolved: that should there be replacements necessary

those replacements would be approved by the Academic Senate". **The Senate then voted and AS 1208 passed unanimously.**

Senator Pour presented *AS 1206, Policy Recommendation: Number of Faculty Representatives to the Advisory Committee to the Trustees Committee for the Selection of the President (ACTCSP)(Final Reading)*. Senator Williams presented a friendly amendment to 3d to change "or they are" with "is". **The Senate voted and AS 1206 passed with two abstentions.**

**V. Unfinished Business - None**

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

**A. University Library Board –**

Chair Branz presented *AS 1201, Sense of the Senate Resolution: SJSU Library Budget Study Report and Recommendations (Final Reading)*. Senator Williams presented a friendly amendment to change "his administration" to "the administration" in the 2nd resolved clause. Senator Stacks presented a friendly amendment to change "that the Budget Advisory Committee be encouraged" in the 3rd resolved clause to read, "that the President and the Budget Advisory Committee be encouraged". **The Senate then voted and AS 1201 passed unanimously.**

Chair Branz presented *AS 1207, Policy Recommendation: Library Policy (First Reading)*. Chair Branz said the existing policy governing the Library is F98-5. Section 9.1 of F98-5 charges the University Library Board with recommending revisions to the policy through the Senate. There are a number of changes in the terminology of the policy, Chair Branz stated.

**Questions:**

Senator Stacks asked about the 6th whereas clause which states that many departments advised the Library that they didn't want to receive email copies of the entire list. Chair Branz said it was his understanding that the list will now be on the web. Senator Peter asked about the language in section 5.1 where it states that the Library and City of San Jose will share basic reference services in a common service area. What was the University Library Board's thought on this matter? Chair Branz said this resulted from a survey of both patrons of the university and the city. The setup now is going to be a tier system. You can still go to a specific reference person, if the person at the hub can't take care of your request. Senator Peter asked if this meant you would be referred to a specific reference person from the hub if you needed specialized help. Chair Branz said yes. Senator Peter said he was confused by the change in section 6.3. What does the change mean? Chair Branz said there really wasn't any change, anyone going through the emergency exit will still be photographed.

Senator Shifflett made a motion to change AS 1207 to a final reading. The Senate voted and the motion passed.

### **Debate:**

Senator Shifflett asked Chair Branz if she was correct in that the purpose of this recommendation was to insert "cleanup" language into our current F98-5 policy, and that there were no changes to the major substance of F98-5? Chair Branz said that was correct.

**The Senate then voted on AS 1207 and it passed unanimously.**

### **B. Professional Standards Committee – No Report**

### **C. Curriculum and Research Committee – No Report**

### **D. Organization and Government Committee –**

Senator Stacks presented *AS 1205, Constitutional Amendment: Senate Membership (First Reading)*. This has been an outstanding referral to Organization and Government for over two years, Senator Stacks said. What you have before you is a proposal to change the constitution of the Academic Senate. What that means in terms of process is that this body makes a determination about whether or not to accept the proposed amendment by a simple majority. If that should happen, then the proposal is sent to the campus faculty-at-large to vote on, and then sent to the President for approval. The committee voted to recommend a change in the membership of the Academic Senate to add temporary faculty, with at least one year of service, to those faculty members eligible for membership on the Academic Senate. However, election to the Academic Senate does not mean that temporary faculty would have rehiring rights. If a temporary faculty member was elected to the Academic Senate, they would cease to be a Senator if they were not rehired. Senator Stacks said that Appendix A is supposed to be Appendix B, and Appendix B is supposed to be Appendix A. Senator Stacks said that nationally 43% of all faculty are temporary. In Spring of 2003, SJSU had 800 regular faculty and 857 temporary faculty. We currently have more temporary faculty than tenure/tenure-track faculty. Senator Stacks said that one of the things the committee noticed during its research was that all of the academic units have a fair number of temporary faculty. Senator Stacks said that the current CFA/CSU contract gives temporary faculty that work at SJSU more than six years priority in being rehired, after tenure/tenure-track faculty. In addition, those part-time faculty members appointed at .4 or greater get benefits under the CSU/CFA contract. Senator Stacks said about 2/3rds of lower division general education classes are currently taught by temporary faculty, and yet if they don't serve on the Academic Senate they don't have a way to explicitly participate in the development of general education guidelines. Senator Stacks said another matter people often are concerned about is who would the constituents of temporary faculty be. Senator Stacks said that temporary faculty will represent both their academic unit and temporary faculty views.

## Questions:

Senator Shifflett asked if Senator Stacks could address the split vote by the committee. What did both sides have to say about designated versus not designated seats? Senator Stacks said the committee looked at other CSU Academic Senate processes. There was a lot of diversity in how they handled temporary faculty. The Organization and Government Committee voted early on that they wanted to have temporary faculty representation. The committee wanted to be sure that there would be some temporary representation on the Senate. However, some people voiced concern that the Senate could be comprised of only temporary representation at some point in the future. Other people were concerned that temporary faculty have different careers and different issues than tenure/tenure-track faculty. However, by a majority vote of the committee, it was decided not to send two proposals forward (one for designated seats, and the current proposal) for the Senate to consider. Senator Pour asked if the committee had considered getting a campus-wide vote on the issue. Senator Stacks said no, because if the Senate passes the resolution a constitutional vote will need to be done campus-wide anyway. Senator Van Selst asked what one-year of service for a temporary faculty member was based on? Senator Stacks said a calendar year since elections take place in the Spring. Senator Peter said the data is intriguing. The piece of information he is most interested in is longevity. Senator Peter said he is not sure we have that information available. We have lecturers that have been here a lot longer than Senator Peter has. Senator Peter asked what the average longevity is for temporary faculty members, and whether this figure has been shifting over the years. Senator Stacks said what they received was a report from the CFA. Senator Peter then asked whether this change would allow temporary faculty to run for the CSU Statewide Senate? Senator Stacks said yes. Senator Peter said that our elections could be improved overall by including statements from those running for the Senate that state length of service, etc. This might alleviate some of the fear that temporary faculty running for the Senate haven't been at SJSU long enough to know the issues. Senator Van Hooff expressed concern about compensation for temporary faculty serving on the Senate. Senator Van Hooff said Senators are asked to serve on a policy committee as well as the Senate. She asked Senator Stacks if the committee had considered whether there could be a problem with the CFA contract. Senator Stacks said that Irene Miura had talked with the University Counsel about this issue. Irene said that it is up to campuses whether they want to provide compensation. Senator Singh asked if a majority of CSU campuses currently have two temporary faculty members on their Senates? Senator Stacks said that it varies. Some campuses have two temporary lecturers on their Senate, some have multiple lecturers, and one campus has none. Senator Singh asked whether it would be possible with the current proposal that one day the entire Senate was composed of temporary faculty? Senator Stacks said it was possible, but only if they were voted in. Senator Buzanski asked whether the committee considered that temporary faculty might not be elected over tenure/tenure-track faculty. Chair Brent said that during the last two years that he has been Chair of the Academic Senate, there have always been vacant seats that we weren't able to fill on the Senate. Senator Singh asked what if temporary faculty demand to be compensated? Senator Lee responded that temporary faculty can't ask for compensation at the campus level, they would have to go through the state. Senator Peter asked what discussion the committee had regarding academic freedom and tenure. Senator Stacks said

Senator Norton provided guidance to the committee on this issue, and that he pointed out these were the same issues that came up when the Senate composition changed from just tenured faculty to include tenure-track faculty. Senator Singh said that when you assign extra service to temporary faculty they can then sue for extra pay. Irene Miura said that a decision would then have to be recommended by the Academic Senate as to whether they should get it.

**E. Budget Advisory Committee – No Report.**

**F. Instruction and Student Affairs Committee – AS 1204 deferred to the next meeting because no one was available to present it.**

**VII. Special Committee Reports –**

The Chair of the Task Force on the Recruitment and Retention of a Diverse Faculty, Herb Silber, presented *AS 1203, Sense of the Senate Resolution: Endorsing the Report of the Task Force on the Recruitment and Retention of a Diverse Faculty (First Reading)*. Chair Brent said that the task force was created by the Academic Senate last year, and was given the charge of bringing a report to the Senate by April 2003. Chair Brent expressed his gratitude to the task force for meeting their charge. Chair Silber said that there was a very diverse group of people on this task force. The task force tried to come up with a consensus about what the university can do to hire a more diverse faculty. One of the major things the task force suggested was a May 15th target date for authorizations to hire. This would be a big change in the way things are currently done, and would give us the flexibility to get our ads out earlier and get the full applicant pool.

**Questions:**

Chair Brent asked where the cost estimates were for some of the proposals. Chair Silber said he had some of the cost estimates available. If the university hired a Diversity Officer, the salary would be around \$60,000 plus fringe benefits, which would take it to about \$100,000. The task force estimates that advertisements would be in the range of about \$2,000-3,000 per search. And, if we are going to provide startup funds, we are talking about big bucks possibly hundreds of thousands of dollars per faculty member, Chair Silber said. Provost Goodman asked Chair Silber if he was aware of the recent report from the CSU that looked at the hiring of tenure-track faculty last year, where SJSU ranked number one in terms of the largest startup package. Chair Silber said he was not aware of this report. Senator Stacks said that the task force had a very difficult job, but had given the Academic Senate a starting point to advance from. Senator Stacks said that we should now be able to take the data from the CSU, and the recommendations from the task force, and give them to a policy committee to work on to see how the proposals are, or are not supported by the data. Senator Shifflett asked to what extent was CSU data looked at? Senator Shifflett said there were several CSU reports related to these issues, such as the report from the Faculty Flow Committee. Chair Silber said they did get some of the CSU data and they looked at it, but even more importantly the task force got specific data from Faculty Affairs pertaining to SJSU. For example, Chair Silber said, the task force looked at success in the RTP process. From the

total data reviewed pertaining to SJSU's RTP process, the task force could not conclude that there was a problem with minority faculty not getting tenure at SJSU. Chair Silber said the minority report gives you an interpretation that is somewhat contrary to the interpretation of the task force. Senator Shifflett said that the task force recommended that a person outside the department serve on each RTP committee. Senator Shifflett said a proposal like this could result in faculty members spending potentially the rest of their academic careers serving on everybody else's RTP committees. Chair Silber said there was a tie vote regarding this proposal and thus it is not an official committee recommendation. However, Chair Silber said that he has worked at other colleges, and has served on RTP committees as a member from another department/college, and that this does appear to be fairer in the eyes of minority members. Senator Peter asked what the task force's rationale was for wanting a particular person to be the Diversity Officer as opposed to a charge to Faculty Affairs. Was the task force's perception that Faculty Affairs currently lacks the resources to implement the task force's recommendations? Senator Peter said he doesn't understand why another Diversity Officer is needed when Faculty Affairs has personnel to do this. Chair Silber said it was the task force's understanding that there were not a sufficient number of people who could handle all aspects of the job under Faculty Affairs. Members of the task force expressed the opinion that there should be an office of diversity. The task force felt that people need training in how to recruit a diversified faculty, and it is not clear that there is someone qualified on campus right now. Gabe Reyes was a member of this task force, and his office doesn't have the personnel power to do this either. It is a manpower concern. Chair Silber said he doesn't like to establish new administrator positions, but if we don't have the people to handle this on campus, then we need to. Senator Singh asked who approves the applicant pool. Chair Silber said he thought it was the Provost's office. Provost Goodman said that Human Resources and Faculty Affairs approve the applicant pool. Chair Silber said there is nothing new in 9c. This is existing policy. It just was brought into this document. Senator Lee said that he has repeatedly said in task force meetings, that SJSU has never hired any faculty member based on quota. Applicants are hired based on being the most qualified in the applicant pool. Chair Silber said that no one on the task force has seen the minority report. Senator Peter asked if the Faculty Affairs office offered advice regarding the hiring of a diversity officer? Chair Silber said that this idea surfaced in the task force meetings and all but one person supported it. Senator Katz said that there was a lot of data, but the task force didn't have the time to develop criteria for whether or not we were doing well. Senator Katz said regardless of whether we were doing well or not so well, the task force felt we could always do better. Senator Van Selst asked what is the connection between the data and the recommendations of the task force. Chair Silber said the task force's main concern was to figure out how you get underrepresented faculty to apply for positions at SJSU. Senator Sabalius said he would like to see some data that supports the task forces recommendations in their report. Chair Silber said it was the task force's assumption that the data could easily be requested from Faculty Affairs. The task force didn't feel it was necessary to copy these voluminous tables. Senator Sabalius said he did not expect the task force to include the tables, but that the task force should synthesize the data from the tables and other information into their report. Chair Silber said the task force assumed the data was summarized and reported annually by Faculty Affairs. Senator Shifflett said that there is a difference between the data that Faculty Affairs presents, and the data to backup the recommendations in the task force's report. Chair Silber said that the task force would need

to generate this data, but it probably won't happen in the next three weeks. The Academic Senate can appoint another committee to do this if the data is needed sooner, Chair Silber stated. Chair Silber said what the task force would probably do is just summarize the data from Faculty Affairs, because that is the data available. Senator Ogaz said under "recruitment efforts" it says that Faculty Affairs has records and complaints filed in this area. Senator Ogaz said she is not sure this is the place they should be filed/held. Chair Silber said several faculty members felt that there were departments that had a history of not giving everyone equal access in terms of hiring, and felt this statement should be included. If you have a complaint, you need to go to the department Chair, then the college Dean, and then Faculty Affairs. This is just a statement of existing principle, it is not establishing anything new.

#### **VIII. New Business – None**

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

##### **A. Associated Student President – No Report.**

**B. Statewide Academic Senate** – Senator Shifflett said the CSU Faculty Flow report that she mentioned earlier will go public and on the web after the next meeting. Senator Peter said that the Lobby day they had several weeks ago in Sacramento went very well. They had over 30 appointments with members of the legislature and their staff. However, while it was agreed that the Governor's budget treated us relatively well compared with other sectors, there continues to be great suspicion about the portion of the Governor's budget directed for enrollment growth funds. Community Colleges have been lobbying hard to get their fair share, Senator Peter stated. Some of the staffers, for example from the Senate Finance Committee, believe that we will probably not get all our enrollment growth money. It is too soon to say whether or not they are right or wrong, Senator Peter commented. However, many of us think that we will do less well than we originally thought. We will not know how much "less well" is until after the Fall semester is well underway. Secondly, Senator Peter said, there were some policy issues that were sort of secret. Senate Bill 6 includes implementation of a whole bunch of master plan changes. One of the proposed changes is that community colleges should be allowed to teach upper division courses in conjunction with CSU/UC and other private institutions. Senator Peter said they are not sure what the purpose of this proposed change is. However, it would seem that community colleges in conjunction with various private institutions, might wind up being able to offer the equivalent of a Bachelor's degree. We are very concerned about this, Senator Peter said.

##### **C. Provost –**

Provost Goodman said that he will be going to a CSU Provost's meeting over the next couple of days, and that the budget is a major issue to be discussed. Clearly, the enrollment growth money, and the percentages we will get will be a major concern. We are looking at enrollment management strategies for Spring 2004, Provost Goodman said. We are considering whether we will remain open for spring enrollment. Provost Goodman said he has sent out a memo encouraging units not to hold large amounts of rollover funds for future needs. Senator Stacks said in the past, there has been concern when the state government is in dire straits that rollover money may be taken back by the CSU if needed. Provost Goodman said there is never a

guarantee that this won't happen. However, Provost Goodman said, we believe the CSU is looking at the special session trust accounts. Collectively, these accounts amount to a large sum of money. Provost Goodman said he is one of the new tour guides for the new library and had his own tour on Friday. The new library merges a museum, library, and high tech center. Provost Goodman said the library was "awesome". Senator Veregge said that many of the people that work in the new library have been doing two jobs for two years now, and should be thanked. Senator Stacks suggested that the Senate should draft something thanking them. Chair Brent encouraged Senator Stacks to do just that.

**D. Vice President for Administration and Finance – No Report.**

**E. Vice President for Student Affairs –**

Vice President Rascoe gave a report on the San Jose Mercury Newspaper article regarding the investigation into the fraternity incident. SJSU cannot move forward on this issue until the San Jose police department has finished their investigation. There are actions we will be taking against those students involved as soon as the investigation is completed, and we know which students were involved. In addition, we have temporarily suspended the fraternities involved, Vice President Rascoe reported.

**X. Adjournment –** The meeting adjourned at 4:45 p.m.