

2007/2008 Academic Senate

MINUTES  
March 10, 2008

**I. The meeting was called to order at 2:07 p.m. and attendance was taken. Thirty-nine Senators were present.**

<b>Ex Officio:</b> Present: Sabalius, Gorman, Henderson, Lessow- Hurley Absent: Van Selst, Kassing	<b>CASA Representatives:</b> Present: Fee, Schultz-Krohn, Hendrick, Kao Absent: Canham
<b>Administrative Representatives:</b> Present: Sigler, Najjar Absent: Lee, Phillips	<b>COB Representatives:</b> Present: Roldan Absent: Campsey, Jiang
<b>Deans:</b> Present: Parrish, Wei, Merdinger Absent: Stacks	<b>ED Represent:</b> Present: Maldonado-Colon, Langdon Absent: Rickford
<b>Students:</b> Present: Reyes, Lazarowich, Grabowski, Zeier	<b>ENG Representatives:</b> Present: Backer, Meldal Absent: Gao
<b>Alumni Representative:</b> Absent: Thompson	<b>H&amp;A Representatives:</b> Present: Belet, Desalvo, Van Hooff, Mok, Vanniariajan Absent: Butler
<b>Emeritus Representative:</b> Present: Buzanski	<b>SCI Representatives:</b> Present: McClory, Hilliard, Bros, Kaufman
<b>Honorary Senators (Non-Voting):</b> Present: Norton	<b>SOS Representatives:</b> Present: Peter, Hebert, Von Till Absent: Zia
<b>General Unit Representatives:</b> Present: Romo, Sivertsen, Liu	

**II. Approval of Academic Senate Minutes** – Minutes of February 18, 2008, were approved as is. Provost Sigler asked that the 4<sup>th</sup> paragraph, 5<sup>th</sup> line be corrected to read “AVP Merdinger” instead of “President Kassing.” The minutes were approved as amended.

**III. Communications and Questions –**

**A. From the Chair of the Senate:**

Chair Lessow-Hurley made the following announcements:

The situation at CSU East Bay has been resolved, and the faculty member that was fired for failing to sign the loyalty oath was rehired on Thursday, March 6, 2008. The faculty member signed the oath as written, but the university included a statement saying that signing the oath did not require an obligation to bear arms or engage in violence.

The Access to Excellence meeting was held last week, and several people attended. They suggested much stronger language in the plan for internationalizing the curriculum.

CFA is taking a leadership role and working with University Advancement in planning a budget forum at noon on April 2, 2008. Chair Lessow-Hurley has been asked to serve on the planning committee. All faculty and students are encouraged to attend.

#### **B. From the President of the University –**

Provost Sigler gave a briefing on behalf of President Kassing who is in Long Beach. The Provost said, “I’d like to take this opportunity to talk about President Kassing. The first piece of news I’d like to share with you is that the Board of Trustees has approved the conferring of an honorary degree on President Kassing. The Board of Trustees waived the requirement that the person no longer be an incumbent in order to be honored with the degree. It will be awarded to President Kassing on May 24, 2008, at the Commencement Ceremony. I hope all of you are there to celebrate President Kassing’s accomplishments. The Commencement Ceremony will be at Spartan Stadium and the commencement speaker is going to be Chuck Reed, the Mayor of the city of San José. The Chancellor will also be in attendance. We will also be holding a number of other celebrations to honor President Kassing’s contributions to the university. On May 28<sup>th</sup> and May 29<sup>th</sup>, there is going to be a community event celebrating his contributions to the community. In addition, at 11:30 a.m. on June 5, 2008, there is going to be a campus-wide celebration and all of you are invited. Also, remember two very important events in April that both occur on April 25<sup>th</sup>. The first event is the second San José State University day of service in which we go into the community to provide service. It will involve students, faculty, and staff. On that same day, in the evening, we will have the honors convocation. It is extremely important for the students to have their faculty there. I hope all of you will join me.”

#### **Questions:**

Senator Peter asked, “Does Don know of this award?” Provost Sigler said, “Yes.”

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

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

**March 3, 2008** – Chair Lessow-Hurley noted there was an error in the minutes and that VP Najjar should have been marked as present instead of absent. VP Najjar had arrived late. There were no questions.

#### **B. Consent Calendar –**

The consent calendar was approved as is.

**C. Executive Committee Action Items:** None

**V. Unfinished Business -** None

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

**A. Professional Standards Committee (PS)** – No report.

**B. Curriculum and Research Committee (C&R)** –

Senator Kaufman presented a resolution from the floor—*Senate Management Resolution, Investigation of the Current GE Program and Assessment of the Effectiveness of the Overall GE Program (First Reading)*. Senator Kaufman said, “About a month ago, some members of the College of Humanities and the Arts, the College of Applied Sciences and the Arts, and the College of Social Sciences came to the Senate Office and to members of C&R and O&G and brought with them a draft of a policy recommendation that would involve revising both the administrative structure and the policies for how we carry out our general education program. Last week we had a joint meeting of the C&R and O&G committees to discuss with these individuals their proposed policy changes. I would characterize that meeting as positive on some points, and not so positive on others. The general sense of C&R is that there is a significant amount of consultation to be done, and that the concerns of these individuals are very real. Consultation needs to be done broadly across campus. In the meantime, we are proposing the Senate Management Resolution you have in front of you. I can summarize the resolution into three bits. The first thing that it does is to suspend for one year the general education recertification process. That is not to say that courses that are up for recertification won’t be certified, they simply will have a year added to their certification as it currently exists. The recertification date for all courses will be moved back for one year with continuing certification in place for that extra year. The second thing that this resolution does is establish a general education task force made up of a representative with general education experience from each college, the Chair of the C&R committee, and the AVP for Undergraduate Studies. The task force must report back to the Senate with suggested changes to the general education program. Finally, it asks that the Board of General Studies (BOGS) spend the year reviewing the usefulness and successfulness of the general education program, rather than concentrating on a course-by-course basis. The idea is that BOGS should be spending its time reviewing whether the general education program as a whole is successful, rather than collecting data from individual courses. That is what we want to free them up for a year to do.”

**Question:**

Senator Norton said, “I have a technical and rather minor problem with the resolution. The resolution is a Senate Management Resolution, but if it suspends the operation of a committee it should be a policy recommendation, or the first resolved clause must be amended to say that BOGS is requested to postpone recertification of existing general education courses for one academic year.”

Senator Kaufman said, “Just to restate what Senator Norton said. A Senate Management Resolution should not rescind policy, it should just suggest the postponement. That amendment is fine with me.”

Senator Meldal said, “In the composition of the task force, it is suggested that one faculty member of each college be nominated by the college dean. Would the committee consider using the appropriate college committee, such as the curriculum committee, as the nominating body?” Senator Kaufman said, “That is friendly to me.”

**C. Organization and Government Committee (O&G) –**

Senator Backer presented *AS 1378, Senate Management Resolution, Creation of a Task Force on Sustainability (Final Reading)*. **The Senate voted and AS 1378 was approved with 1 Nay, and No abstentions.**

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

Senator Sivertsen presented *AS 1379, Sense of the Senate Resolution, 2008-2009 Shared Value “Integrity”(Final Reading)*. Senator Norton made a friendly amendment to change the word “to” in the Resolved clause to read “the.” Senator Peter made a friendly amendment to add a new 2<sup>nd</sup> Whereas clause to read, “Whereas, San José State University has celebrated student success, diversity, and community;” **The Senate voted and AS 1379 passed as amended with no Nays or Abstentions.**

Senator Sivertsen presented *AS 1381, Policy Recommendation, Academic Standards: Probation Disqualification (First Reading)*. Senator Sivertsen said, “Before we do this resolution, let me try and give you a little bit of history. This is a very long policy and I did not reproduce it all for the purpose of saving trees. A request came to us from the Ombudsman, through AVP Sharon Willey, to the I&SA committee to add some kind of clarifying language to a section in the document which is unclear. The lack of clarification is in the program of study developed with the appropriate graduate advisor which must be completed with a grade point average of B+ (3.3) or better. The issue was that a graduate student got a B- in a class, a couple of B’s, and an A. Did that mean that because they got a B- they would not be eligible to continue? We felt that was pretty unclear and didn’t make much sense. We added just two words to the policy that we feel made it clearer. The old statement in Section D., subsection b. read, “the program of study developed with the appropriate graduate advisor was completed with a grade point average of B+ (3.3) or better in all units attempted...,” and the new statement would read, “the program of study developed with the appropriate graduate advisor was completed with *an overall* grade point average of B+ (3.3) or better in all units attempted...”

Provost Sigler said, “My initial reaction is that the word *average* implies that you are averaging all the grades.”

Senator Sabalius said, “I echo Provost Sigler’s comments. What we do now is redundant, but if it helps so be it.”

Senator Peter said, “There are two technical terms about GPAs. One is the overall GPA

which refers to all grades taken in service to your current degree, as opposed to the SJSU GPA which is all grades at SJSU. When you say overall it makes me think of all grades taken towards the degree either at SJSU or elsewhere.”

Senator Bros said, “When it refers to all units attempted, what is the time span for that? Does it mean all units attempted that semester?”

Senator Norton said, “The specific reference is to the program of study developed with the appropriate graduate advisor.”

Senator Romo said, “I am an Undergraduate Advisor and not a Graduate Advisor, but for Undergraduate students it is whatever units they are taking in order to improve their GPA to be reinstated. It is not all units.”

Senator Sabalius said, “Maybe the word *cumulative* instead of *overall* would help. Cumulative understood in the context of the probation and period thereafter.”

Senator Romo said, “Typically Graduate students are primarily taking the classes here at SJSU, so it is whatever the agreement is between the graduate advisor and the student. However, ultimately it is the SJSU GPA that is going to help them get reinstated.”

Senator McClory said, “Might I suggest that the wording be, “The program of study developed with the appropriate graduate advisor completed with a GPA of B+ (3.3) or better in all units attempted under the program of study.” Several Senators commented that this still did not make it clear.

Senator Hebert said, “I’ll take a stab at it by going minimalist. How about saying, “The program of study developed with the appropriate graduate advisor was completed with a grade point average of B+ (3.3) or better.”

Senator Romo said, “I’m just curious if you used the actual document? That would be the most appropriate.”

Senator Sivertsen said, “Let me try and give you some clarification. The request came from the Ombudsman. It is my understanding that a graduate student got a B- in one course in the program of study, but also got a couple of B+’s and an A, so the overall GPA was B+ or better. The issue was since they got the B- were they disqualified? The Ombudsman asked I&SA to clarify this.”

Provost Sigler said, “Listening to the explanation you just provided, I think the confusion comes from the statement *in all units attempted*. Therefore, would the committee consider eliminating *in all units attempted*, and not including *an overall*.”

Senator Backer said, “May I propose a suggestion to read, *completed with an overall grade point average of B+ (3.3) or better in the program of study units*, or something like that.”

Senator Bros said, “Wouldn’t it be better just to specify 3.3 or better in all units specified in the program of study?”

Senator Kao said, “Maybe I need clarification, but it seems to me the problem you stated about the B- in one class isn’t even addressed by this. It is a B- in one class and there is no average. If the average of those four classes the student took were greater than a B+, it seems it doesn’t need any additional clarification except how do you calculate a GPA.”

Senator Sivertsen said, “I agree with you. However, the request came from the Ombudsman because there was a problem with a student that was denied continued access to the university because of that B-, and the language is kind of vague.”

Senator Vanniarajan said, “If you included the words, *the classes taken from the program of study approved by the appropriate graduate advisor were completed with an overall GPA of B+ (3.3) or better*, would it sound better?”

Senator Sivertsen said, “What I would ask is that you forward your suggestions to me for the committee to consider.”

Senator Peter said, “If it does come back, perhaps we could have a case study with the names removed where we could see exactly why there was a problem in the first place. That might help us be more capable of making suggestions.”

#### **E. University Library Board (ULB) –**

Senator Peter presented *AS 1380, Sense of the Senate Resolution, Calling for a Task Force to Investigate Open Access to Publications through an SJSU institutional repository, and make appropriate Recommendations (Final Reading)*. **The Senate voted and AS 1380 passed with no Nays and 1 Abstention.**

#### **VII. Special Committee Reports –**

Chair Lessow-Hurley said, “We have three guests today. I shared with you at the last meeting that there were questions on the part of CFA regarding the online SOTES policy after we passed it. I did not feel competent to outline the issues in-depth or to answer the questions you had about this. We invited Liz Cara, President of our local CFA, Joan Merdinger, our AVP for Faculty Affairs, and Brad Davis our Associate Dean of Faculty Affairs to give us an overview on this particular issue, and to also give us a sense of the way these issues in general will play out in a new contract environment, given that there are some additional kinds of policies and proposals coming through the Student Evaluation Review Board (SERB) as we speak. I’d like to start by introducing Liz Cara, the President of the CFA.”

President Cara said, “I just wanted to read you the contract. Article 1515, Process for Student Evaluations of Teaching, says that, “*written student questionnaire evaluations shall be required for all faculty unit employees who teach.*” I could go further but that is all you really need to know. It is in our contract that the student evaluations are written. Therefore, CFA takes the position that any online SOTES would be in violation of the contract. Therefore, CFA needs to be conferred with if, in fact, you want to continue with online SOTES in any way. However,

there is also another article, Article 1519 that says, *“The CFA and CSU shall establish a committee to study the issue of best and most effective practices for the student evaluation of faculty teaching effectiveness. The committee’s work shall include, but not be limited to, the review of instruments for student evaluation of teaching and online evaluations.”* Essentially, there is a committee composed of representatives from the statewide Academic Senate, the CSU, and the CFA that are studying the issues and will come up with a recommendation within 12 months of convening, and they convened in July. That is the context for any discussion of online SOTES. CFA has the position that evaluations must be written and if you want to go ahead with online SOTES you must confer with us. The Academic Senate has been conferring with us and letting us know exactly what SERB is doing or wants to do. CFA has said if SERB wants to go ahead with online SOTES they can do so as long as it is not mandatory and is voluntary. If professors of mostly all online courses want to evaluate their classes online, that would be okay as long as it was voluntary. What happened with this policy that the Senate passed is that it directly violated the contract because it was not voluntary. As of a few days ago, CSU Statewide said they would remove paragraph 5.7 which required online courses to have online SOTES. In cases where we do not agree, there is a mandate where the CFA and CSU must meet and confer.”

### **Questions:**

Senator Bros said, “Just for clarification then, the resolution I had sent you originally included the appropriate language for CFA. It was the amendment that was the issue?” President Cara said, “Yes, it was the amendment that was the issue.” Senator Bros said, “My question is then, in relation to issues when amendments occur, how does CFA see that process happening?” President Cara said, “It should happen beforehand.” Senator Bros said, “The amendments happen on the Senate floor, so how can we meet and confer?” Chair Lessow-Hurley said, “Interesting question.” President Cara said, “The way the process works is that our attorney contacts the CSU Statewide attorney and they work that out.”

Senator Peter said, “On those campuses in the CSU that have a designated CFA representative on the Senate, does that meet the requirement of the meet and confer?” President Cara said, “No.”

Senator Norton said, “I have a problem with the CFA meeting and conferring with this Senate. I don’t think that has ever been done before.” President Cara said, “I believe that usually the meet and confer happens after a resolution is passed.” Senator Norton said, “Yes, but the official meet and confer provision is with the Administration.” Chair Lessow-Hurley said, “It would be between CFA and the Administration. In essence, the Senate would be out of it.” Senator Norton said, “That is not to say that would exclude informal consultation.”

Senator Peter said, “Could the CFA give us some reasons for this particular requirement that the SOTES be in written form as opposed to some other form? Is this something you negotiated, was it an afterthought, or was it something CFA desired to see in the contract? Where did this come from?” President Cara said, “It came from the former contract, it was not negotiated.” Senator Peter said, “So, when that was put in the contract was probably before anybody imagined online SOTES, is that correct?” President Cara said, “I don’t know, but most likely

yes. Chair Lessow-Hurley asked me, “What is it with CFA?” and I said it is strictly a bargaining issue. It is written in the contract.”

Senator Langdon said, “I don’t quite understand the written part. I teach a lot of classes online, and I don’t understand what the big deal is?” President Cara said, “I guess I would ask you the same question. What is the big deal that it is in the contract that it says written, and why don’t you want it in written format?”

Senator Kaufman said, “If you are taking the position that the word *written* means *written* then how can you ever, until this contract is renegotiated, accept anything that isn’t written?” President Cara said, “You are right. I think this contract needs to be renegotiated.” Senator Kaufman said, “Then CFA’s position seems to imply that we can’t have online SOTES no matter whether people want them or not.” President Cara said, “When the CFA was conferred with we said that if people volunteer then we wouldn’t object to it.”

Senator Hebert said, “I just wanted to be sure that the permission to give an online SOTE rests with the instructor/professor and not the department chair?” President Cara said, “It is not just anyone that can decide, and they have to be online classes.”

Chair Lessow-Hurley said, “If we had the meet and confer, and our policy would be acceptable if we eliminated 5.7, does this come back to the Senate?” Senator Peter said, “We only make recommendations to the President. He could return it to us with instructions as to what we needed to do in order for him to sign it.”

Senator Merdinger said, “We have not had official notification from the Chancellor’s office about the agreement yet. President Cara knows more about that than I do right now.”

Senator Roldan said, “I’m curious about what the rationale behind having the SOTE be written is? Is it because you want to be able to identify the person, or is it just a format issue?” President Cara said, “I don’t know what the rationale was behind the policy.” Senator Roldan said, “Is it possible that it is in the contract just because the technology wasn’t available when it was put in there?” President Cara said, “Yes, it is possible.” Senator Merdinger said, “I would guess, but I don’t know for sure, that it was language that was put into one of the initial contracts and that language is carried forward until it is amended.”

Senator Schultz-Krohn said, “I have a question then. What happens in cases where students have a disability that specifically prohibits them from completing a written SOTE, are we excluding them?” President Cara said, “I’m not sure that this has ever come up, so I can’t answer this.” Senator Sivertsen said, “You cannot exclude disabled students, you would have to come up with some accommodation.”

Senator Hebert said, “I had a similar situation in a class a couple of weeks ago with a student with very poor vision that couldn’t fill out the scantron bubbles. My solution was to make an oversized test in which she circled the answers and then to have my teaching assistant fill in the scantron using her answers.” President Cara said, “Would I be correct in saying that we could

also send the students to the Disability Resource Center (DRC)?” Senator Buzanski said, “It’s not in the contract.” Chair Lessow-Hurley said, “Let’s not shoot the messenger.”

Senator Merdinger said, “In the newly bargained contract that President Cara has here, there is a section on meet and confer obligation, and just so that people know, this has been in labor law and isn’t something new. What that obligation did is make it a much more standard operating procedure. The CFA and the CSU have both agreed these are issues we need to meet and confer on. What we are trying to find out is what is the best time for that.”

Senator Sabalius said, “I would like to thank President Cara for coming here to speak on behalf of the CFA. I was at a retirement workshop before this meeting and learned what the CFA has done for us. The contract does a lot for us and I appreciate the hard work the CFA does.”

### **VIII. New Business – None**

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

#### **A. Statewide Academic Senator(s) –**

Senator Sabalius said, “I already mentioned to you that last week the CSU Academic Senate met in Long Beach. In the Faculty Affairs Committee we met with the legal counsel of the CSU and a representative of CSU East Bay. We discussed the issue of the faculty member at CSU East Bay that was fired for failing to sign the oath. The Faculty Affairs Committee decided not to take up the issue, because it is really not a CSU problem. It is state law that requires that oath of all state employees. Another issue that came up was how the budget crisis in California will affect our negotiated contract. We had the Vice Chancellor of Human Resources with us, Gail Brooks, and the CFA Statewide former president, John Travis. Gail Brooks explained the situation and the CFA and CSU had a difference of opinion on only one issue. First of all, neither the CFA or CSU want to reopen that contract, and not all aspects of our salary raises are subject to reopening. According to Vice Chancellor Brooks, of the 3% of our raises, 2% are obligations regardless of what the budget does. Only 1% is subject to reopening if the contract is reopened. The PPIs, these are the salary step increases for senior faculty that are already maxed out and are not eligible for step increases, are obligations as well. Thus, regardless of whether the contract is reopened or not, PPIs will be in effect. However, the contract is silent on the status of reopening regarding the equity provision. Vice Chancellor Brooks and Chancellor Reed say it can be reopened, but John Travis says it cannot if the contract is silent about it.”

Senator Sabalius said, “At the CSU Statewide Senate, we had 23 resolutions on our agenda and 1/3<sup>rd</sup> were final readings. I won’t bore you with all of them. We passed a resolution in support of international experiences and global perspectives in the CSU’s educational programs. You might remember I brought up at our last Senate meeting that that international education did not find sufficient entry in the Access to Excellence document. Another resolution supported the CSU efforts in creating a doctorate in Nursing. One interesting resolution that was hotly debated, and then voted down, was on instituting graduate fee differentials. This resolution was mainly voted down because it

would create a multi-tiered system. There were also several first readings. We wanted to give more support to FERPs. Many faculty are literally thrown off campus when they FERP.”

Senator Gorman said, “I just want to make a comment about the international programs initiative. This was a subject of discussion in many of the committees including mine which is Academic Affairs. There is a lot of concern around the CSU system about international programs proliferating without substantive faculty input including input into curriculum and oversight.”

**B. Provost –**

Provost Sigler announced, “The applications for the Faculty Reconfiguration of Workload will be coming out very shortly. As part of Vision 2010, we recommended to the President, and he approved, funds for 1/10<sup>th</sup> of the faculty to be released from one course to engage in activities with students that contribute to student success. The applications are forthcoming and will be due in my office on April 2, 2008. The Junior Career Development Grant Selection Committee will be reviewing those applications and deciding who will get release time next semester. The next item I’d like to mention to you is connected to this. It is reflective of the importance of faculty engagement with students. Last week I had the opportunity to attend a *Day of Luis Valdez*, which was an event organized by the department of Television, Radio, Film and Theatre. Luis Valdez was a graduate of SJSU and the recipient of an honorary degree a few years ago. He is an internationally renowned playwright. The department invited him to come back and work with the students, and also his son directed his latest play. He spent time with the students, and last Wednesday attended the premiere of the play and spoke to the audience. He talked about the impact of SJSU and what the faculty did for him. He said he came to SJSU to study Math and Physics, but would go to the Winchell Donuts each week. On his way back, he would walk through the Theatre department and that changed his life. He provided a testimonial as to the value of faculty involvement and the role models all faculty members are. Senator Von Till was also there and can probably give you the same report.”

Senator Von Till said, “I can concur that it was a very moving day. The play was extraordinary. Luis Valdez talked about how if you are going to write a play you should learn how to be a director. He did complain it was the same old theatre, and he hoped some wealthy individual would come forward to provide a theatre that was much more deserving of the work that goes on there. In a related area, if you haven’t heard already, Matt Spangler, one of my colleagues in Communications Studies, had his stage version of the *Kite Runner* selected as the highlighted play for the San José Rep for this season. They have also dedicated the largest budget they’ve ever given to a play, \$500,000.”

**C. Vice President for Administration and Finance –** No report.

**D. Vice President for Student Affairs –** No report.

**E. Associated Students President –**

Senator Henderson said, “Good Afternoon everyone. Some things that Associated Students is working on include a faculty survey that should be out in the next week or two. We will have polling locations in June and November and a voter registration drive. We will be conducting a march for higher education, and are working on obtaining a permit for the city of Sacramento. Associated Students leaders are working on contacting other colleges to get them involved in the march. Associated Students will also be bringing a resolution to the Senate in April about the march. Associated Students’ elections will be held April 22-23, 2008. In addition, AS 55 will be held on April 24, 2008. President Kassing will be roasted at this event.”

**F. Vice President for University Advancement** – No report.

**X. Adjournment** – The meeting adjourned at 3:46 p.m.