

2008/2009 Academic Senate

**MINUTES
March 16, 2009**

I. The meeting was called to order at 2:10 p.m. and attendance was taken. Thirty-nine Senators were present.

Ex Officio:

Present: Meldal, Whitmore,
Sabalius, Van Selst

Absent: Cavu-Litman, Lessow-Hurley

CASA Representatives:

Present: Fee, Hendrick, Canham, Schultz-Krohn, Kao

Administrative Representatives:

Present: Najjar

Absent: Lee, Sigler, Phillips

COB Representatives:

Present: Campsey, Roldan

Deans:

Present: Parrish, Merdinger, Stacks,
Meyers

ED Represent:

Present: Maldonado-Colon, Langdon

Absent: Rickford

Students:

Present: Cerda

Absent: Hypes, Palumbo, Levy,
Lichty, Linder

ENG Representatives:

Present: Gleixner, Du, Backer

Alumni Representative:

Absent: No representative assigned
yet.

H&A Representatives:

Present: Desalvo, Brown, Mok, Vanniarajan, Van Hooff

Absent: Butler

Emeritus Representative:

Present: Buzanski

SCI Representatives:

Present: McClory, Kaufman, d'Alarcao, Hilliard, McGee

Honorary Senators (Non-Voting):

Absent: Norton

SOS Representatives:

Present: Von Till, Lee, Heiden, Hebert

General Unit Representatives:

Present: Fujimoto, Sivertsen

Absent: Romo

II. Approval of Academic Senate Minutes of February 16, 2009–

A motion was made to approve the minutes. The motion was seconded. The Senate voted and the minutes were approved with 3 abstentions.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Meldal announced that the Executive Committee had discussed the issue of civility in non-instructional campus settings. President Whitmore will discuss this further during his remarks.

Chair Meldal noted that it was interesting during his recent trip to see how technology from Silicon Valley California works in very technologically-challenged countries.

B. From the President of the University –

President Whitmore made the following announcements:

During the President's recent trip to Washington D.C., there was some good news about the budget. Pell grants will go up each of the next 2 years, both in the amount of money an applicant qualifies for, and in the total amount of money available. Pell grants go to the needy. This should be very helpful for our students. In addition, there should be more Stafford loan money, and work study funds. The federal government is also putting billions of dollars into research programs. There is a chance for an increase in grant money. Our research people are keeping on top of this. Particularly in the areas of the environment, clean energy, and biotechnology.

There is money for support of higher education for all states in the stimulus package. That money is being given to the state, but the state can determine where to use it. The state of California is already counting on some of that money to balance the budget. However, it is too early for the President to give any details.

The CIO Search Committee has been working hard and expects to finalize the CIO job description by this Friday.

The Executive Committee has forwarded nominees for the Provost Search Committee to the President. The President is in the process of putting the committee together now. The Provost Search Committee will review candidates in the Fall, because the President doesn't want to interview candidates during the summer when most of the faculty are gone.

The President commented that there was a recent incident on-campus in which a speaker was repeatedly disrupted. In researching what could be done, the President discovered that we do not have a policy to deal with disruptions outside of the classroom. The President discussed this with the Executive Committee today. A Presidential Directive will be issued this spring addressing this issue, so that it will be in place when students return for Fall 2009. The Presidential Directive will be effective until such a time as the Senate passes a policy on this matter.

The President commented that we are in negotiations with UC Santa Cruz and De Anza Community College and hope to participate in some of the NASA/AMES activities.

Questions:

Senator Van Selst asked, "Do we know whether the state of California has certified that they did not get \$10 million from the stimulus package?" President Whitmore said, "I have no knowledge today as to whether they are ready to declare one way or the other on that issue."

This is a critical issue, because there is another cut pending to our budget if the state does not receive the \$10 billion for certain categories of funding. That extra cut would be roughly \$3 million or so for us. Right now we are putting that cut into our budget, and then we will take it out if it doesn't happen. Also, all of our budgets are subject to a referendum election coming up, and our budget may be affected by that. Plus whatever budget we think we might have is subject to any further deterioration of tax revenues to the state. We could be subject to further budget cuts. If we find out anything more we will send an email around."

IV. Executive Committee Report –

A. Executive Committee Minutes –

February 16, 2009 – No comments

February 23, 2009 – No comments

B. Consent Calendar –

A motion was made to approve the consent calendar. The motion was seconded. The Senate voted and the consent calendar was approved unanimously.

Senator McClory announced that in the current Senate General Election, we had two contested seats, one seat is in the College of Engineering and the other one is for a CSU Statewide Senator. The ballots for these two elections have been distributed. Ballots are due in the Senate Office no later than April 10, 2009. We also have several colleges that still have vacant seats. There are two vacant seats in the College of Humanities and the Arts, and one vacant seat in both the College of Business and the College of Applied Sciences and the Arts. These seats can now be filled on a first come/first served basis. If you know of any interested faculty members in these colleges, please have them fill out a nominating petition and submit it to the Senate Office.

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 Maldonado-Colon presented *AS 1404, Policy Recommendation, Department/Colleges Recordkeeping (Final Reading)*. Senator Maldonado-Colon said, "This policy was presented on November 17, 2008 for a first reading." Senator Van Selst presented several friendly amendments. Under section II. Scope, "a record of the discussion, and voting if applicable, should" was replaced with "minutes shall." Under section IV. Content of the minutes, "a list of those present and absent" was added. "The final vote, listing those present and absent, and beginning date of policy implementation" were stricken, and replaced with "the vote." Senator Heiden made a friendly amendment to the Van Selst amendment to add the word "final" back into "the final vote." **The Senate voted and AS 1404 passed unanimously as amended.**

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

Senator Von Till presented *AS 1408, Sense of the Senate Resolution, In Support of the GE Task Force Report (Final Reading)*. Senator Von Till distributed an amended version of the resolution. Senator Van Selst made several friendly amendments to change the last line of the 6th whereas clause to read, “recommendations and input; and be it further,” and to change the first line of the last resolved clause to read, “That the Academic Senate support that there be future actions based on the.” Senator James Lee made a friendly amendment to remove the Workload Impact from the bottom of the resolution.” Senator Stacks stated that she was present at the meeting and is not listed on the resolution as being there. Senator Hebert presented an amendment to strike the 2nd resolved clause. The Hebert amendment was seconded. The Senate voted and the Hebert amendment failed. **The Senate voted and AS 1408 passed as amended.**

Senator Von Till presented a *Policy Recommendation, Amends the 2005 General Education Guidelines (First Reading)*, from the floor of the Senate. Senator Von Till said, “In response to Senate Management Resolution, SM-S08-3, passed on April 14, 2008, a taskforce to evaluate General Education (GE) Assessment and Continuing Certification was established. The charge of the taskforce was to consult with all colleges and to consider modifications to existing procedures regarding assessment and recertification of GE courses. This policy amends the 2005 General Education Guidelines, and all of the changes are included in the guidelines in your packet.”

Questions:

Senator Van Selst said, “In the 3rd Whereas clause it needs to be changed from “endorses that Report,” to what we actually did.”

Senator Van Selst asked, “In the 5th Whereas clause it says the Board of General Studies accepts the procedures, that seems like strange language. They might review it and endorse the ability to comply with it, but this language seems strange.” Senator Von Till said, “This came from the meeting with the Board of General Studies.” Senator Van Selst said, “I’m not sure the Board of General Studies actually has the ability to accept the policy as opposed to being told. This strikes me as very strange language in terms of authority.”

Senator James Lee asked, “On what did you base the savings in paper and duplication costs?” Senator Von Till said, “This is for all departments. The procedure for yearly reports has been streamlined and is now only a 2 page report, and the reflective piece each department can do is now limited to 2 pages.” Senator James Lee asked, “Did you take into account the annual surveys that departments will have to send out now that we have annual reporting going on? It seems like that would increase duplication costs.” Senator Von Till said, “Actually, there is yearly reporting now in some departments.”

Senator Hebert asked, “What was the overall purpose of this revision. What would the effects be if these guidelines were adopted?” Senator Von Till said, “There are basically three things; first the streamlining of the report to make it an easier, simpler process, and within that to allow a great deal of flexibility to allow departments to select the method that

seems the most meaningful to them. The second piece is to attach the timing of this to program planning, because it seemed like every year or two major reports were due. Our thinking was that since these are electronically filed and archived in Undergraduate Studies, the department could just staple them all together with the reflective piece attached and that would be the department's report. The third piece was to address the issue of decertification. The Board of General Studies would work in a mentoring capacity with departments to try and resolve any issues, and if it couldn't be resolved then it would go to the Curriculum and Research Committee for decertification."

Senator Schultz-Krohn asked, "Why are you requiring a yearly report instead of every 5 years?" Senator Von Till responded, "It was strongly felt that there needed to be some yearly oversight. There was also a concern that some courses may start out in one direction and then begin to drift into another. This was just to help keep track of what is going on. By reducing the amount of work that goes into the report, it would make it a lot less work, and would make the 5 year report a lot less work as well."

Senator James Lee said, "It sounds like you are going to have to mobilize the troops much more frequently than years past and that sounds like the workload will increase, so I'm wondering why you say under workload impact that it may possibly reduce the workload when it may possibly increase it?" Senator Von Till said, "Again, I think you are going to find that this varies widely by department. For example, it will very much reduce what we are doing in Communications Studies."

Senator James Lee said, "Regarding departments doing assessment the way that they would prefer to do it, if the department would prefer to do reports every three years why not allow them to do reports every three years instead of annually?" Senator Von Till said, "It did not come up. It was not a suggestion brought by any of the bodies at any of the forums, or by any of the committees we consulted with."

Senator Meyers asked, "What happens if a report doesn't come in, or comes in and the people reviewing it decide the course isn't doing what it is supposed to do, then what happens?" Senator Von Till responded, "In terms of the first part of your question, it was felt that since these things are going to be housed on the Undergraduate Studies website and be public, it would put some peer pressure to bear on recalcitrant departments."

Senator Hebert said, "So, is this eliminating continuing certification as a regular feature?" Senator Backer said, "No, there will still be continuing certification, the reason we struck it out is that it will be aligned with program planning."

C. Organization and Government (O&G) –

Senator Backer presented *AS 1407, Policy Recommendation, Strategic Planning Policy (First Reading)*. Senator Backer said, "I'm going to give you a little background information, because this is a little more complex. Dr. Rona Halualani completed an assessment of Strategic Planning for about a year. After she completed this, she met with O&G. O&G has been working on this since September 2008. We have had interaction with the President and the President's management team, with the Council of Deans, the

University Planning Council (UPC), the Resource Review Board (RRB), and an email was sent to all Senators asking for your input. Our intent was to get widespread input to this before we brought it to the Senate. In a nutshell, what it does is eliminate about 20 committees, including all the panels under the UPC, the Goals Advisory Council (GAC), and the RRB. It replaces these committees with two new committees. The Strategic Planning Board (SPB) is probably closest to the existing GAC in function. Not the same, but as close as possible. This would take effect with our goals for 2015. The SPB would work with the President to set the goals. The goals are restricted to not more than 5 goals instead of the 30 or more we have now. Once the goals are accepted, the President can setup teams or assign it to a particular lead, such as one of the AVPs. The point is to make it nimble, quick, and flexible. Then it goes to another new agency, the Strategic Planning Assessment Agency (SPAA). The SPAA is a separate group that is going to assess the progress of the campus towards the goals. It will lag behind the SPB although the President can start it earlier if he wants to do so. There will not be duplication of membership on the two committees.”

Questions:

Senator James Lee asked, “Department Chairs are nominated by peer department chairs, and Deans are nominated by peer Deans, why is the Executive Committee nominating faculty?”

Senator Backer said, “According to the bylaws of the Senate, we have a nomination process for all committees. This is usually done by petition or submission of their names/statements to the Executive Committee. The Executive Committee then shortens the list and forwards to the President. That is the intention here. If it is not clear, that is what we meant. It is in accordance with bylaw 14.”

Senator Van Selst stated, “Under 6C, which is basically talking about the Budget Advisory Committee, you have it under operations and it strikes me that it might be better moved to 4F, as part of responsibilities.”

Senator Backer said, “Our next meeting is April 6, 2009, so if you have any recommended changes, please email them to me.”

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

Senator Sivertsen presented *AS 1409, Priority Registration (First Reading)*. Senator Sivertsen said, “We spent quite some time discussing the issue of priority registration and concluded that at this particular point in time it was not reasonable to change the priority registration until the policy is brought back in line with where it should be. It called for all student groups receiving priority registration to be reviewed every 5 years. This has not been done. What we are asking is that you pass this resolution so that the policy itself can be reviewed, and then the request for priority registration can be made at a future date by students.”

Questions:

Senator Van Selst said, “On the first resolved it states that all groups currently receiving priority registration shall continue to have this privilege. Is there a group in there that is not

likely to continue to receive priority registration?” Senator McClory responded, “This came from the Student Success Committee. What the Student Success Committee has been struggling with is that this is not a priority for everybody else. There are a page and a half worth of groups that are receiving priority registration. We have been approving and denying applications that have come to the Student Success Committee, but we have been following some of our own guidelines because the policy is very vague. What we wanted to do was rewrite the policy so that the criteria was a little bit clearer to those applying for priority registration. The next step is for us is to create a new policy to come to the Senate in the Fall.”

Senator Hebert asked, “What is the purpose of the 2nd resolved clause?” Senator McClory said, “We’ve asked all groups that currently have priority registration to resubmit their documentation, because they have never been evaluated and current Senate policy requires them to be evaluated.” Senator Hebert asked, “Can you run that by me again?” Senator McClory said, “This will allow the groups to see the new policy and determine if they meet the criteria, and it will also allow the committee to see if the group still fits.”

Senator Kaufman asked, “Is this really a policy? I ask that because I’m looking at what it says. It says that if you have priority registration you will continue to have priority registration. If there is a new policy you will have to reapply for that policy, where is the policy?” Senator Sivertsen said, “The hope is the appropriate committee will write the policy early in the Fall to present to the Senate, so that all the groups currently receiving priority registration will have to reapply.” Senator McClory said, “Let me try and answer your question by giving you a little history of why this happened. The Student Success Committee decided to take reapplications from all groups that currently had priority registration. As we were reading them, we decided the policy needed to be defined better. However, we now had all these reapplications, so what we decided to do was to leave everyone alone for now and rewrite the policy in the Fall. It also has the provision that we are not taking any new applications until we see what the new policy looks like.” Senator Backer said, “I agree with Senator Kaufman that there is no policy here. To say that what exists will remain the same is what is going to happen unless you change the policy. I would prefer to have this when the policy actually comes. The only thing this policy is resolving is the Student Success Committee will not accept any new applications. This doesn’t make sense for a policy. Why not wait until the policy is written?” Senator McClory said, “Because, the mechanism was already in place to reevaluate the groups. We don’t want to reevaluate them with the current policy. We want to leave them alone until the new policy is written.” Senator Kaufman said, “Isn’t the timeline for when these applications are reviewed a matter of procedure for the Student Success Committee and not a matter of policy?” Senator McClory said, “It is in the policy that they be reviewed every 5 years so when we read that, we pulled them all in and now they are waiting for a response.” Senator Kaufman said, “Can’t your review simply extend until a new policy exists?” Chair Meldal said, “We seem to be moving into debate, and we can wait until the next meeting for that.”

Senator Van Selst said, “I do think there is policy here. The policy is that nobody new can get priority registration. That actually is a policy decision. I think we can trust the committee to do that themselves, unless the existing policy forces them to review. In

general, I would hope this wasn't necessary, but if there is an existing policy that requires them to review under the old guidelines, then this policy might make sense."

Senator Hebert asked, "Why hasn't S97-1 been followed?" Senator Sivertsen said, "We don't know who the policy cop is." Senator McClory said, "This function was not originally a part of Student Success. It became a part of the committee functions when the Enrollment Committee was merged with the Student Success Committee and it got lost."

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

VII. Special Committee Reports –

A. Athletics Board Report:

Annette Nellen, Senator B.J. Campsey, and Eileen Daley gave a report on Athletics.

Ms. Nellen said, "I am the current chair of the Athletics Board. The Athletics Board exists because of University policy F07-2. The Athletics Board is a special committee reporting to the President and the Senate. The Athletics Board's responsibilities include promoting effective programs of Athletics, to protect the environmental education rights of the athletes, and to ensure the integrity of the Athletic program. Our membership includes 6 faculty including the Faculty Athletics Representative (FAR), two students from Associated Students, the President of the Spartan Foundation, the Athletics Director, the Athletics Director of Compliance, and the Executive Assistant to the President.

One of our roles is learning more about Athletics so that we can be a better spokesman for them and help promote their efforts. Also, the Department of Athletics has been holding an annual breakfast to honor the athlete scholars. The Athletics Board gives an award to the outstanding head coach, assistant coach, the highest GPA team for men and women, and the most improved team in order to honor that excellent work going on. One of the main things we are doing this term is updating our handbook due to some minor changes made with F07-2."

Senator Campsey said, "I hate to read for you, but I think this puts together what a FAR really does. The NCAA requires that all member institutions designate a FAR. This individual must have faculty rank and cannot hold either an administrative or coaching position in the Athletics Department. It is suggested that the FAR play a central role in the overall checks and balances of system design to ensure academic integrity, sound governance, commitment to rules of compliance, and attention to equity and athletic welfare. Those are the kinds of things that a FAR attempts to do. I have a wonderful group of people that I am privileged to work with in the Athletics Office. The maintenance of institutional control is critical to the NCAA.

I will tell you that I had shivers run down my spine when I heard about Florida State. Let me tell you what happened to them just recently. The NCAA Division I Committee on Infractions has placed Florida State University on probation for 4 years. They reduced scholarships, vacated records (that is won and loss records), the teams that were

deemed to have ineligible players have lost their wins, and they issued show cause penalty for former staff members because of major violations in athletic programs. The case involved academic fraud affecting more than 60 student athletes in 10 sports as well as impermissible benefits and unethical conduct by 3 former athletic support services staff members, and a failure to monitor by the university. That is that institutional control we talked about. Interestingly enough, our former senior woman administrator, Kelly Elliott, was hired by Florida State as part of their attempt to wipe out this problem. She will do a magnificent job I know. These are the types of things you worry about. I am happy to say we do not have a problem anywhere near to this. Our FAR is designed to help the student athletes in as many ways as possible, and also to be a representative to you. I wear a lot of hats, and sit on a lot of committees. One of the things we did in May 2005, was to accept the Coalition of Intercollegiate Athletics (COIA). One of the things that COIA was pushing, and still does, is the governance aspect-an open governance system. It was suggested that the FAR be part of the Senate and I am, I also sit on the Athletics Board, and the Academic Affairs Final Admission Committee.

I just got a message from the NCAA that said they will be the one to distribute the information on Athletics from 2007/2008. In April they release the information on the teams in the top 10%, I believe we may have a team on that list. On May 6th they will provide us with all the information, including the APR scores. We can't give you this year's data, but I will present it to you in the Fall. We have very good news about it, but have been sworn to secrecy until after May 7th."

Senator Campsey introduced Eileen Daley. Eileen said, "I am honored to be here. I am the Assistant Athletic Director for Academics. My job is solely focused on bringing academics into Athletics, and for making our student athletes accountable and responsible for getting a college education while they are here at San José State. I work with about 500 student athletes. We have increased aware and support. We have held coaches and students responsible for their successful academics. We also want to point out that we have been mandated by the NCAA to really reach these numbers.

The NCAA instituted the APR back in 2003/2004. The purpose is to ensure the NCAA Division I membership is dedicated to providing student athletes with an exemplary educational and intercollegiate athletics experience in an environment that recognizes and supports the premises of the academic mission of its member institutions while enhancing the ability of student athletes to earn a 4-year degree. What this means is we will no longer exploit our student athletes. We will be holding our student athletes accountable for earning a degree while they are here at San José State University.

What is the APR? It is the Academic Progress Rate. You may ask why the APR? Why doesn't the NCAA use federal graduation rates any longer? The reason is because it is not accurate data in terms of an annual basis. The APR is done on an annual basis. We are looking at last year's data right now. Each student athlete earns a retention and eligibility point. The eligibility point means that student athlete has met all the standards put forth from the NCAA. What that would mean for a first-time freshman is that they need to pass 24 units counting towards eligibility, which means counting towards

graduation. Remedial units are only counted up to 6 units. For the second year of college, student athletes need to have completed 40% of the units toward their degree plus have the additional 24 units counting towards eligibility. In their third year, the student athlete needs to have completed 60% of the units toward their degree, and in the fourth year they must have completed 80%. As you can see they are making requirements gearing up towards graduation.

Let's do a hypothetical team APR. We will use womens softball. We had 20 student athletes on scholarship. Each person gets 2 points, one for eligibility and one for retention. For each semester that team would earn 40 points towards the APR. For the academic year, that would be 80 points. Let's assume we had 3 student athletes that left San José State and didn't have an extenuating circumstance of any kind. Therefore, we lost 3 APR points, so that gives us 77 points and then we divide 77 by 80, so that APR would be at 963. We also have what I call bonus points, and they are delayed graduation points. If we have an individual that leaves the institution and lost us a point, we can recoup a point the year they graduate. I have been hunting these athletes down over the last year.

We also have APR adjustments. We did have a student athlete that was diagnosed with Schizophrenia that left the institution and was hospitalized. If I have any kind of medical documentation, I can recoup an adjustment for that student athlete. We also track these.

The benchmark numbers are 925. You will hear that a lot in the athletic realm. Although we track our teams annually, we are penalized based on the 4-year multi-year average. If we have a team with a multi-year average of 925 they are out of the woods. That means a 925 for each of the previous 4 years. If they have a rough year, but remain above the 925 for the multi-year they are out of the woods.

In 2003/2004 and 2004/2005, we had a few teams whose multi-year was not at 900, and we had progressed into historical penalties. We did have 4 teams last year that got themselves out of trouble. One team had a perfect 1000, a men's team. Another men's team had a 980. I can't say who they are, but you may be able to guess.

So, what does the 925 mean? It means 92.5% of our student athletes are eligible, and they are staying here at San José State. It also means that we are graduating roughly between 50 to 60% of our student athletes. For us that is not high enough. We are reaching for much higher numbers. We know we can graduate more than 50 to 60% of our athletes.

I can tell you today, that as an institution you will be extremely proud to be a Spartan when you see the 2007-2008 numbers. We are very honored. I wish I could tell you what these numbers are, but we can't release that information yet. However, you will be extremely proud when you see those numbers in the San José Mercury News, and they will be highlighting them.

Looking at the penalties, the contemporaneous penalties are financial penalties, or scholarships lost. The easiest way to explain it is an eye for an eye. If we have a team that does not reach a 925 multi-year, and they have a student athlete who left San José State ineligible, we would call that a 0 for 2. They got 0 points and there were 2 points possible. That team will lose one full scholarship.

Historical penalties occasion one are going to be public notice. And, they really like to highlight how poorly you are doing on a national basis. When they say public warning, they really mean it. That is in addition to the contemporaneous penalties. That is for a team not reaching the 900 multi-year.

Going into the next year would be occasion two with the team still not meeting the 900 multi-year. That penalty would include loss of practice time, additional contemporaneous penalties, and public notice.

Occasion three would include loss of post-season competition. For a football team, that would be no bowl game. For any other team, that would be no WAC Championships, etc.

Occasion four would be potential loss of the program. This year when the information is released in May, you are going to see some institutions that hit occasion three. I'm sure there will be lots of public notice from the NCAA. Next year could be the first team or institution that would go into occasion four. This is because the APR began in 2003/2004. That was the first year of data collection.

In 2003/2004 and 2004/2005, we had 9 out of 16 teams that were under the 925. That is embarrassing. In 2005/2006, we had 8 teams under the 925. In 2006/2007, we had 6 teams. This last year, 2007/2008, we had 0 teams under the benchmark numbers. We had 4 teams with a perfect 1,000, 2 of them were men's teams. Football beat 5 other teams, 4 of them being women's teams. As a department, we were over the 925 for the first time. In 2003/2004, we weren't even at a 900 as a department."

Questions:

Senator Sivertsen commented, "As many of you may know I teach a course in Sociology, I just want to say I have worked with Eileen over the years. Since she has been here, my experience with teaching student athletes has changed significantly. Since Eileen has been here, the student athletes have really started behaving like young adult people. I'm very proud to have worked with her."

Senator Van Selst asked, "On the APR, it is my understanding that as a predominantly transfer institution that makes the APR harder than it would be for a standard 4-year institution. As we move to impaction, the only freshmen that we are going to have will be from the local area. Does that mean our APR is likely to go down?" Ms. Daley replied, "We used to be a transfer institution. We no longer recruit 3-year junior college individuals, and if you look at football all our incoming scholarships, except for one, are

for freshmen. We actually knew we had an impaction problem a year ago, so we front-loaded most of our recruits to apply on time. Right now we are okay in terms of impaction.”

Senator Campsey commented, “I just wanted to report to you that Christine Halsey, who is the Assistant Athletic Director for Compliance, and I went to Reno, Nevada for the Compliance Director and FAR meeting. This is the one time during the year that all the FARs and Compliance Directors meet together. The good news is that we have no major penalties whatsoever in terms of compliance. There were some minimal problems we had, but the WAC Director of Compliance indicates that if you have no secondary violations, somebody isn’t doing their job. The other thing I wanted to tell you about that meeting is that we met in the 4th floor of the Joe Crowley Student Union at the University of Nevada. It really is a pleasure that they made the effort to name that student union after him. One last thing, if you do have a problem with a student athlete contact me or Eileen. We are trying not to have the coaches contact the faculty directly. I can guarantee you that the problems will be taken care of and not pushed under the rug. We removed a student athlete from the football team for improper behavior. I would be happy to work with any of your faculty members on any issue that comes up.”

B. Open Access Task Force Report:

Celia Bakke, Librarian, introduced Associate Professor Joel West from the College of Business [they are co-chairs of the task force] and thanked the Senate for including them on the agenda for today’s report.

Ms. Bakke said, “It was almost a year ago that the Senate approved the creation of the task force to investigate the issue of open access for San José State. We have prepared a brief statement for you about our progress.

There was some delay in appointing the members of the task force from the colleges, so we did not have our first meeting until November 2008.”

Professor West commented, “I had the honor of being elected as co-chair of the task force with Celia. Celia and I spent a lot of time in January talking about the issues facing the task force. One of the issues we faced is that there are a lot of issues here about IP and the relationship of journals to scholarship and business laws for journals that we weren’t sure all our task force members would understand, so what we decided to do was have a couple of meetings in January devoted to making sure all the members understood the issues and felt that they could fully participate.

We had a meeting in February where we went over 7 issues that are relevant to faculty members. Some of these issues are already being handled by the Library, such as institutional repository and archiving digital access. We identified a few possible areas, but what we thought might be the most valuable thing to do was bring in Heather Joseph, Executive Director of a subgroup with the Association of Research Libraries. We felt this brought everybody to the same page of understanding what these issues are.

In the task force meeting last Friday, we asked the task force members to look at what the issues are, what our role is, what do we want to do, and who wants to do what. What we came up with was 3 different subcommittees. One of the subcommittees is looking at the question of author rights—the ability of faculty members to be able to retain the rights to their work so they can distribute their works on their website, on the repository, and they can use it in the classroom. People automatically assume that they have these rights and that is not necessarily true, it varies by publisher. A number of other universities, notably Harvard, have developed policies where they recommend or ask that their faculty retain certain rights so that the university in either its teaching or research mission can disseminate their work. The second issue that we have always felt was important is that these open access journals are new and uncertain. If faculty members publish in them there could be a question as to how they should be treated in terms of tenure and promotion. We would like to develop some policies to guide those candidates and tenure committees on how they should be evaluated compared to other more established journals. We can't really tell people what to do. All we can do is document best practices at other universities.

Finally, the committee members identified a third area they felt very strongly about. They felt we should have an outreach function. Dean Karl Toepfer is one of the most active members of that subcommittee. The idea is that we want to talk to faculty to find out how much they know about these issues, and what they care about on these issues. We might perhaps do a survey or something like that. Later on, we will try to figure out how to reach the faculty and tell them what the task force's final recommendations and conclusions are.

The problem we have now is that our mandate expires at the end of this semester. Why we have come before the Senate today is that we think it may take 3 semesters to finish what we are doing. Unexpected issues or delays may come up, so we would like to have the duration of the task force be extended to June 30, 2010.”

Ms. Bakke commented, “I do want to mention that the task force has created a WIKI. I will send the URL to Sigurd and he can distribute it to the Senate. Professor West mentioned the Heather Joseph presentation. It was excellent. We videotaped it and there is a link on the WIKI.”

Questions:

Senator Buzanski commented, “On the question of author's rights, is the task force aware that the newsletter of the American Historical Association, which is called Perspectives, had a symposium on author's rights? There were 3 lengthy articles in the issue before last that were really quite frightening from the perspective of authors, because they all seemed to zero in on the situation whereby the publisher takes away the right of the author entirely with virtually no comeback. A professor that does argue and attempts to get a modification will be given a written modification that is useless, because the publisher still violates it.” Ms. Bakke said, “Thank you for that information, I was not aware of that particular article, but I will add it to the WIKI. I did want to mention that

Heather Joseph is very active in lobbying for author's rights. There are several sites that provide examples of addendums for authors that they can send to publishers when they are signing a contract." Professor West commented, "In some journals for some publishers authors have pushed back so much that the publishers have modified their policies to be more reasonable."

Chair Meldal commented, "We have before us a request to extend the mandate of the task force until June 30, 2010. We can either act on it now, or bring a Sense of the Senate resolution to the next Senate meeting which seems the appropriate way unless the body feels comfortable doing it now." Senator Backer commented, "I would prefer that it be dealt with at this meeting, because otherwise it may not come to the Senate until the May meeting." Senator Sabalius stated, "I would prefer it be handled at the next meeting." Chair Meldal said, "The next meeting it is." Senator Backer asked, "So, this will come as a referral to the Organization and Government Committee?" Chair Meldal said, "Yes."

VIII. New Business –

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

A. Vice President for Finance and Administration – Not present.

B. Vice President for Student Affairs – Not present.

C. Associated Students President – Not present.

D. Vice President for University Advancement –

VP Najjar thanked everyone that attended the Beach Blanket Babylon event. They raised over \$50,000. VP Najjar announced that Sylvia Light, Director of Communications, was retiring. The Senate thanked Sylvia for her hard work.

E. Statewide Academic Senator(s) –

Senator Van Selst announced that Jeff Bleisch, Board of Trustees, is moving to Washington D.C. for a 4-month appointment. Senator Van Selst said the most controversial issue pending before the CSU Statewide Senate is the resolution on Proposition 8 (suggesting that the state overturn Proposition 8). Executive Vice Chancellor Reichard is retiring.

F. Provost –

Senator Merdinger presented the report for the Provost. Senator Merdinger announced that the Chancellor's Office and the CFA had been bargaining on the 2nd year of the PPI. What that means is that the Senate will need to elect another appeals committee.

The first year included full professors that had been appointed before August 1, 1988. This year includes professors other than that group. Senator Sivertsen asked,

“In the case of someone that was eligible in the first pool but did not apply, can they still apply this year? Senator Merdinger replied, “I just checked on it this morning. The answer is no, they are not eligible.

X. Adjournment – The meeting adjourned at 4:15 p.m.