

**2009/2010 Academic Senate**

**MINUTES**  
**April 19, 2010**

**I. The meeting was called to order at 2:09 p.m. and roll call was taken by the Senate Administrator. Forty-three Senators were present.**

**Ex Officio:**

Present: Baker, Van Selst, Meldal,  
Whitmore, Sabalius  
Absent: Lessow-Hurley, Kaufman

**CASA Representatives:**

Present: Correia, Schultz-Krohn, Fee, Hendrick,  
Absent: Kao

**Administrative Representatives:**

Present: Selter, Najjar, Lee  
Absent: Phillips

**COB Representatives:**

Present: Campsey  
Absent: Roldan, Jiang

**Deans:**

Present: Parrish, Bullock, Merdinger  
Absent: Stacks

**EDUC Representatives:**

Present: Kimbarow, Smith

**Students:**

Present: Armendariz, Orr, Starks,  
Ortiz, Pulu, Gonzales

**ENGR Representatives:**

Present: Gleixner, Backer, Du

**Alumni Representative:**

Present: Walters

**H&A Representatives:**

Present: Desalvo, Brown, Brada-Williams, Fleck,  
Van Hooff  
Absent: Butler

**Emeritus Representative:**

Absent: Buzanski

**SCI Representatives:**

Present: d'Alarcao, Hamill, Silber, McGee, McClory

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

Present: Norton (acting as voting  
Emeritus Representative for this  
meeting)

**SOS Representatives:**

Present: Ng, Heiden, Von Till  
Absent: Lee (Sabbatical)

**General Unit Representatives:**

Present: Lin, Sivertsen  
Absent: Fujimoto

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

Senator Norton made a motion to approve the minutes of March 15, 2010. The motion was seconded. The Senate voted and the minutes were approved as written.

**III. Communications and Questions –**

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

Vice Chair Von Till made the following announcements:

Chair Kaufman is away at a conference in Michigan, and Vice Chair Von Till will be chairing today's Senate meeting.

Congratulations to Associated Students on their recent elections.

Senate Officer Nominating Forms are due in the Senate Office on April 26, 2010. Candidates need to submit a statement of interest to the Senate Administrator, Eva Joice, for posting on the Senate website and to insert in the Senate packet for the May 10, 2010, 4 p.m. to 5 p.m., Senate meeting. Candidates will present their statements at the Senate meeting on May 10th.

There are two Senate meetings on May 10, 2010. The last meeting of the 2009-2010 Academic Senate is from 2 p.m. to 4 p.m., and the first meeting of the 2010-2011 Academic Senate is from 4 p.m. to 5 p.m. in Engineering 285/287.

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

President Whitmore made the following announcements:

Last Thursday layoff announcements were made. There were 76 layoffs. Everyone that was affected was notified in person on Thursday, if they worked that day, by their manager in most cases. Forty-eight other staff members were reassigned at their current salary rate because of the 78 layoffs, and based on their seniority within their position classification. The President commented that he had sent everyone on campus a letter about layoffs on Thursday. Thursday was the last day to notify staff according to the number of days notification required in union contracts. The layoffs are effective on July 1, 2010.

The President commented that Thursday was truly a sad day for the university, the CSU, and him personally. The President hopes that employees will remember two things. First, we are all in this together, and secondly our mission has not changed—students are our first priority.

Furloughs saved us \$19 million this year, and bought us time to reduce the number of layoffs that would be necessary for the new academic year. For example, 48 positions that became vacant this year were eliminated, so that meant 48 less layoffs had to happen. In addition, 21 positions were moved out from under general fund money and those positions were saved. The President reiterated that furloughs bought us time and without them we would have had twice as many layoffs.

The President also noted that we did not hire nearly as many part-time faculty as we have in the past and we saved money that way too. In addition, we cut our operating expenses by \$3 million.

**Questions:**

Senator Gleixner thanked the President for his update, and asked what kind of strategic planning went into planning for the layoffs? How were things allocated between the different divisions and between staff and MPPs, because no filled MPP positions were eliminated? President Whitmore commented that this was correct, no filled MPP positions were eliminated. Not filling vacant MPP positions allowed the administration to avoid laying off MPPs.

VP Lee commented that MPPs are not laid off, they are simply non-retained, and there were MPPs that were non-retained throughout the year. Furthermore, of the 21 positions moved out of the general fund, eight were MPPs.

VP Lee announced that they will be preparing statistics on the layoffs as soon as the “dust settles.” The layoffs are not effective until July 1, 2010, and there are a number of different actions that can happen between now and then that could have an effect on the number of layoffs. For instance, some employees may have retreat rights, there may be some retirements, and some employees may elect a voluntary reduction of time. The administration should know the final statistics within the next couple of months. VP Lee will then provide a chart that shows the number of MPPs and staff affected by percentage. VP Lee commented that preliminary data suggests fair representation across both these two groups—MPPs and staff.

President Whitmore commented that he had come before the Senate on about five different occasions this past year, and he laid out what the budget issues were, what he was going to do about them, and he asked the Senate for advice about it. Furloughs saved the university temporarily about \$18 or \$19 million, and we cut about \$7 million this fiscal year. Also, throughout the year, we did not retain some MPPs. For instance, when Rona Halualani went back to the faculty, her MPP position in the President’s Office was not retained, and that saved the university “x” amount of dollars. That was a strategic decision based on an opportunity. The President would have had to cut staff positions in the President’s Office if it were not for that vacant position.

President Whitmore commented that the cuts were across the board, except for the police and doctors. The President did not pick and choose the positions that would be affected. The deans and divisions were told how much money they would have, and they made these decisions. Some departments and colleges were lucky, because they had enough retirements or other vacant positions that they did not have to eliminate many filled positions.

Senator Gleixner responded that across the board cuts and eliminating vacant positions did not appear to be strategic decisions. President Whitmore responded that he would disagree, but that it would take considerable time to explain his position. President Whitmore also stated that the university is not in a position to speak about specific individuals.

Senator Van Selst commented that when he hears that “some divisions got lucky and didn’t get hurt as bad” that does not sound strategic. President Whitmore responded that you could look at this from different ways, but he would disagree.

VP Lee commented that when they refer to 56 vacant positions, these positions were selected strategically by the departments. Some positions were not selected for elimination by the departments, because they needed those positions. Also, departments did recruit for critical vacancies.

Senator Meldal commented that it would be useful if we could compare the staffing in the various divisions as of June 30, 2009, with what the staffing is going to be on July 1, 2010, and asked when the Senate might expect to see that data? President Whitmore responded that the

administration had to be careful how much information on specific people they revealed. However, the President will work on supplying more information.

President Whitmore acknowledged that not all decisions would be strategic when cuts had to be made so rapidly. It is difficult to downsize perfectly given the requirements of the union contracts. Retaining people based on seniority is not strategic.

Senator Sivertsen commented that it was important for people to remember that with the layoffs, people are not going to be able to get jobs done so quickly. There will be delays, and phones won't get answered, and mail won't be responded to. There is a lot of stuff that isn't going to be able to get done the way it usually is. It is very important that all employees remember that and they communicate this to students. Students also need to recognize this and be patient.

President Whitmore commented that some employees may be moving into a department from other positions, and they didn't have a choice about it. It is very important that each of us work to welcome them to the departments, and to train them.

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

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

**March 8, 2010** – Senator Selter commented that the 3<sup>rd</sup> paragraph of the status updates refers to the search for a new VP of Academic Affairs and it should be VP of Student Affairs.

**March 22, 2010** – No questions

**April 12, 2010** – No questions

##### **B. Consent Calendar** – There was no consent calendar.

AVC Susan McClory announced that Committee Preference Forms were due in the Senate Office last Friday, and Senators need to get them in as soon as possible.

AVC McClory announced the results of the Senate Spring 2010 General Elections. The Senators from CASA are Irene Gonzales and Winifred Schultz-Krohn. We did not get a nominee from the College of Business, and they have one vacant seat. Michael Kimbarow and Pat Backer will return as Senators from the Colleges of Education and Engineering. Dominique Van Hooff and Stefan Frazier will be representing the College of Humanities and the Arts, and there are still two vacancies in that college. The College of Science has one vacant seat. Lynda Heiden and Ken Peter will be representing the College of Social Sciences. Deanna Peck will represent the General Unit. Finally, Mark Van Selst will be returning as one of our CSU Statewide Senators.

##### **C. Executive Committee Action Items –**

Senator McClory presented *AS 1436, Policy Recommendation, Guiding Principles for Enrollment Management (Final Reading)*. Senator Backer made a motion to call the

question. The motion was seconded. The Senate voted and the motion passed. **The Senate voted and AS 1436 passed with no nays or abstentions.**

V. **Unfinished Business - None**

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

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

Senator Gleixner announced that AS 1434 and AS 1435 were not coming back to the Senate for a final reading today, but would be coming at a later date.

**B. University Library Board (ULB) –**

Senator Desalvo presented *AS 1437, Sense of the Senate Resolution, Support for Open Access to Scholarly Work and Research (Final Reading)*. Senator Hamill made a friendly amendment to change the 1<sup>st</sup> line of the 4<sup>th</sup> Resolved clause in number 6 to read, “a unit outside of the repository unit (such as the Provost Office) responsible for monitoring.”

Senator Brada-Williams presented a friendly amendment to add a new Resolved clause after the 3<sup>rd</sup> Resolved clause to read, “Resolved that the faculty shall continue to have the freedom to submit their work to the journals and publishers of their choice.” Senator Meldal presented a friendly amendment to the Brada-Williams Amendment to change it to read, “Resolved that the Academic Senate of San José State University continues to affirm the rights of faculty to publish in the publications of their choice.” **The Senate voted and AS 1437 passed as amended with no nays or abstentions.**

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

**D. Curriculum and Research Committee (C&R) – No report.**

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

Senator Heiden presented *AS 1438, Policy Recommendation, Creation of a Sustainability Board (First Reading)*.

**Questions:**

Senator Backer wanted to know how the student selected by the VP of Student Affairs, from among those student organizations with a focus on sustainability, would be chosen and could the committee make this process clearer. Senator Heiden responded that the student that was on the Organization and Government Committee (O&G) thought the language in the resolution was sufficient.

Senator Van Selst wanted to know why these student appointments weren't being handled through Associated Students, since all other student appointments go through Associated Students. AS President Baker stated that all other student appointment do go through AS. Senator Heiden responded that the purpose of the Sustainability Board was unique, and that

they wanted to identify groups that had a sustainability interest.

Senator Ng asked if the committee had considered the difficulty in creating another committee and getting students to serve on it, and whether they had considered combining it with an existing committee's charge? Senator Heiden responded that they had given this a lot of consideration and felt that it did not fit neatly in with any existing committee's charge.

Senator Van Selst asked if the committee would consider as an alternative to appointing faculty from every college, appointing faculty from various groups with sustainability interests on campus? Senator Heiden replied that she was willing to take that back to O&G for consideration, but O&G had already considered many different options.

Senator Backer asked why this was a policy recommendation instead of a Senate Management Resolution? Senator Norton responded that it would have impact outside of the committee by making recommendations that applied to the whole university.

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

### **A. The Comprehensive Campaign –**

Senator Najjar, VP of University Advancement, introduced Anne Johnson, the AVP for Development and the Director of the Comprehensive Campaign.

VP Najjar noted that for every 10 cents spent on fundraising, \$1.00 is raised.

Ms. Johnson announced that this is the fourth year of an eight-year Comprehensive Campaign which began on July 1, 2006. The goal of the campaign is to raise \$200 million. University Advancement has raised \$121 million through March 2010. Of that \$121 million, \$58 million is in cash. This is extraordinary.

The campaign will raise funds for three priorities:

1. Excellence in Teaching, Learning, and Scholarship (\$75 million).
2. An Investment in Students (\$67 million)
3. Gateway to Silicon Valley (\$24 million)

A few years ago, the university was only averaging \$10 million a year in fundraising. Today they are averaging \$20 million a year. SJSU led the CSU in fundraising two years ago at \$50 million dollars. The goal at the end of this campaign is to ensure that our elevated giving level is sustained.

The critical phases of a fundraising campaign include planning, the silent phase, the public phase, completion, and post campaign. We are currently in the silent phase and will launch the public phase in October 2010.

Our fundraising goal for this year is \$18 million. University Advancement hopes to have raised 50% to 70% of the \$200 million goal by the kickoff date for the public campaign on October 21, 2010. To date, University Advancement has raised 61%.

University Advancement would like to be told about any smaller gifts with significant stories behind them in order to showcase them. Faculty can help by staying connected to their students and by volunteering to accompany development personnel as experts in their field of study.

**Questions:**

Senator Hamill suggested that University Advancement give \$47 million to the President to use instead of laying off the staff.

President Whitmore commented that most of the gifts that we get are designated for specific things and we can't take that money and do other things with it.

VP Najjar commented that people do not give money for operations. They give money towards excellence and things that sustain in perpetuity. Keeping the lights on is not appealing to our donors. However, the money that has been raised over the last four years has indirectly mitigated other reductions and helped sustain the university.

**B. Introduction of the New Police Chief, Peter Decena**

VP Lee introduced the new Chief of Police, Peter Decena. Chief Decena is a SJSU graduate with a BS and Masters in Fine Arts. Chief Decena worked for the campus police for two years before going to work for the City of San José Police Department where he remained for the past 28 years. Chief Decena commented that it was wonderful to be back on campus. He has already instituted a more rigorous training program for campus police.

**Questions:**

President Whitmore asked how many police officers were on campus and Chief Decena responded that there are 31 sworn officers and then there are 50 parking personnel.

Senator Sabalius commented that the San José Police Department has been in the limelight lately for being heavy-handed, and since UPD works very closely with them he found it very remarkable how well UPD managed to stay out of trouble. UPD appears to be able to handle things much better than the San José Police Department. Senator Sabalius also commented that he hoped UPD continued on this track.

Chief Decena commented that he was very proud of his 28 years with the San José Police Department and that he feels they have been getting some very bad press lately, but he has never known them to be heavy-handed. Chief Decena believes this is a result of some misunderstanding and miscommunication on the part of the San José Police Department in explaining what they do. Chief Decena's approach will be one of transparency and accountability.

**C. Annual Report from the Athletics Board and the Faculty Athletics Representative (FAR)**

Senator Campsey, SJSU's FAR, introduced Liz Jarnagan (Associate Athletics Director for Student Services), Eileen Daley (the Assistant Athletic Director for Academics), Lynn Meade (Assistant Athletic Director for Compliance), and Annette Nellen (Chair of the Athletics Board).

Professor Nellen reminded the Senate of the policy they passed in Fall 2007 that changed the charge of the Athletics Board. The charge now reads, "The Athletics Board has the responsibility to promote effective programs of athletics, to protect the environmental and educational rights of the athletes, and to insure the integrity of the athletics program. It has the special responsibility of relating the programs of athletics to the objectives of the University." Professor Nellen noted that the Athletics Board works very closely with Athletics and the President's Office to make sure that happens.

Ms. Jarnigan gave an overview of the NCAA Eligibility Rules as follows:

12-unit rule – An athlete must be enrolled in 12 units in order to practice or compete.

6-unit rule – An athlete must pass six degree-applicable units the previous semester in order to be eligible.

18-unit rule – An athlete must pass 18 units between fall, winter, and spring to be eligible the next year.

24-unit rule – An athlete must pass a minimum of 24 units the previous academic year (Fall, Winter, Spring, and Summer).

Percentage of degree requirement – An athlete must have passed 40% of a declared major upon entering their third year of school, 60% upon entering their fourth year, and 80% upon entering their fifth year. Athletes must graduate in 5 years.

GPA rule – Athletes must have a 2.0 cumulative GPA. The lowest acceptable grade an athlete can earn is a C.

The goal of the Athletics Department is to have each athlete graduate in four years. To graduate in four years the athlete must pass 15 degree-applicable units each semester, or 30 degree-applicable units each year.

The Athletics Department strives for every student to maintain a 3.0 GPA by balancing every C with an A.

Ms. Daley announced that for the first time in 2008/2009, we had eight teams with a perfect 1,000, two teams with a multi-year (four year) average of 1,000, and all SJSU teams were above a 900 multi-year for the first time since 2003/2004. This is a huge

improvement. In the Fall 2010, the Athletics Department will also be back to 85 scholarships for football.

The Athletics Department also had 97 delayed graduation points. A delayed graduation point is an athlete that left the institution and didn't graduate that comes back and graduates from SJSU. The Athletic Department started a student outreach program to these students. The year they graduate, their team gets bonus points.

Ms. Meade explained what a compliance officer does. A Compliance Officer ensures that the university abides by the NCAA Rules. Ms. Meade is responsible for ensuring we follow NCAA rules. Ms. Meade does this through the use of policy, education, monitoring, and self-reporting of violations. Ms. Meade then gave a brief rundown of the most important bylaws.

President Whitmore commented that this group is being too modest. The turnaround in Athletics has been so extraordinary that they have been invited to the NCAA National Convention to be on a panel and talk about it. It is one of the nation's biggest turnarounds.

**VIII. New Business – None**

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

**A. Provost –**

Provost Selter invited Senators to attend the last University Scholars Lecture this Wednesday at noon in MLK 225/229. Our speaker for the last lecture is Dr. David Vasquez from the department of Urban and Regional Planning.

Provost Selter also invited Senators to participate in this year's Honors Convocation on Friday at 6 p.m. in the Event Center.

Provost Selter announced that the Athletics program is up for recertification. The program is recertified every 10 years. That process begins this summer when we write a self study for the next academic year, then we will have a site visit in the fall semester of 2012.

Senator Parrish announced that this Thursday, April 22, 2010 is Earth Day and Mayor Reed will be giving a presentation from 3:15 p.m. to 4:00 p.m. in Engr. 189.

**B. VP for Finance and Administration – No report.**

**C. VP of Student Affairs -- No report.**

**D. AS President --**

AS President Baker announced that SJSU students had a statewide march on the capital in Sacramento on March 22, 2010. SJSU was highly represented with a

total of 120 students. SJSU was the 2<sup>nd</sup> highest represented campus following Los Angeles.

Also, on April 26, 2010, AS President Baker and a few other students will be lobbying in Sacramento for higher education.

AS just finished its elections and AS President Baker and fellow Student Senator terms will be coming to an end.

AS just recently passed resolutions on AB 540 and on honoring VP Veril Phillips.

AS is holding a town hall meeting with Cathy Busalacchi on 4/27/10 regarding the new student union.

AS held several very successful events recently, including the Trash and Fashion Show, and the Battle of the Bands.

Lastly, AS President Baker will also be reading a poem at the Legacy of Poetry day next Thursday, April 22, 2010, at 11:45 a.m. in the Caret Plaza outside of the MLK Library on the campus side.

President Whitmore announced that AS President Baker had been a fantastic AS President this year and thanked her for her hard work.

**E. VP of Advancement –**

VP Najjar announced that he is chairing the VP of Student Affairs search and that there would be a posting on the website in the next ten days with a listing of the on-campus finalists. There will also be an opportunity for the campus community to interact with the candidates during forums. The dates for the forums have not been confirmed yet, but VP Najjar will make sure they are posted once they are confirmed.

**F. CSU Statewide Senators:**

Senator Van Selst commented that they just had an interim meeting, so there is no formal action at the CSU Statewide level other than that they still have no Faculty Trustee.

**X. Adjournment –** The meeting adjourned at 4:30 p.m.