

CALIFORNIA STATE UNIVERSITY, HAYWARD

ACADEMIC SENATE

Approved as presented

Minutes of the Meeting of April 29, 2003

Members present: Dee Andrews, Diana Bargas Diane Beeson, Cal Caplan, Alex Cassuto, LeAnn Christianson, Jennifer Eagan, Dana Edwards, Stevina Evuleocha, Karina Garbesi, Susan Gubernat, Tom Hird, Matt Johnson, Mark Karplus, William Langan, Michael Lee, Sherman Lewis, Rita Liberti, Jane Lopus, Frank Lowenthal, Penny McCullagh, Russ Merris, William Nico, Julia Norton, Sue Opp, John Ostarello, Chung-Hsing Ouyang, Pamela Parlocha, Norma Rees, Henry Reichman, Bill Reuter, David Sandberg, Don Sawyer, Michael Schutz, Jeffrey Seitz, Susan Sunderland, Bruce Trumbo, Steve Ugbah, Alison Warriner, Jessica Weiss, Donna Wiley, Don Wort

Members absent: Alison Germaine, Christopher Lubwama, Marco Marquez, Evelyn Padua-Andrews, Sylvia Ramos, Liane Sieux, Carl Stempel, Emily Stoper, Veronica Vasquez

Guests: John Charles, Stanley Clark, Susan Correia, Sonja Daniels, Mary DiSibio, Phil Duren, Jean Easterly, Joanne Schwab, Arthurlene Towner

1. Approval of the Agenda

M/S (Schutz/Caplan) to approve the agenda.

The Chair informed the senators

- Item 5 has an addendum not listed on the agenda
- Item 8 is an amended document
- Item 10 will be introduced as 02-03 BEC 5

Agenda was passed.

2. Approval of the minutes of the meeting of March 11, 2003

M/S/P (Schutz/Cassuto) to approve the minutes.

3. Reports

A. Report of the Chair

Chair Wort:

- Mentioned that help was requested for obtaining nominations for student services representatives to the Academic Senate
- Recognized the new staff assistant in the Senate office, Joanne Schwab
- Briefly discussed the proposed changes to the by laws of the faculty. This is not an item to be brought formally to the Academic Senate. Petitions have been received. A letter to the faculty is coming soon. It will require a ballot of the eligible faculty. The ballot will be sent out in the next two weeks. The changes proposed will create a new standing committee of the Academic Senate to consider budgetary issues. He felt the faculty has not done as good a job as possible in budgetary issues and this committee would be a way of rectifying this deficiency. He noted that faculty participation in the voting process is important.

B. Report of the President

President Rees:

- Commented on the last issue discussed by the Chair. She reminded the faculty that there is a presidential budgetary committee, the Budget Advisory Committee, which has six faculty members along with other members. She welcomed the new committee and hoped it would do a more intensive job as long as it did not require duplicate administrative staffing with BAC.
- Presented her impending actions with respect to SARS. She commented that this issue has been looked at for a while and presents a problem, especially with our programs in Asia. She had been planning to send an email to the faculty, and will do so shortly. She received a fax from the Office of the Chancellor that each campus President should review all CSU sponsored travel to affected areas. Rees will now be prohibiting official delegations or activities to any areas where SARS has been identified as a health risk by the State Department or by WHO. The State Department has issued health warnings that can be monitored on its web site. Singapore, China and Hong Kong have been identified as high-risk areas where we have an educational interest and where travel will not be sponsored by CSUH. She will not approve any travel to those areas on official University business. Any conference attendance is also prohibited as long as funding is sought from the University. Wiley, elaborating on the CBE international programs, stated that Hong Kong and China are now in the recruiting stage and recruiting will be affected by SARS. Singapore has been offering classes; one was taught by a substitute who was on site to begin with, while the others have been postponed. Rees then discussed commencement. Many of our students have relatives from affected areas that are planning to attend graduation ceremonies. This is not a University issue since all visitors must have a valid visa and are admitted to this country with the approval of the center for Disease Control. Lee added that students who had been admitted to the 2003-04 international study abroad program to China have had their departure dates postponed. Rees concluded by urging interested faculty to check the State Department, CDC and WHO web sites.
- Discussed the recent spate of emails about budget reductions in the colleges and the response sent by the Provost. One email suggests that there will be faculty layoffs. The University has a Layoff Committee that can only be convened by the President. No faculty can be subjected to layoffs without committee discussion. She has not convened the Committee and asked the Academic Senate to express its views, either now or by email or telephone. Current planning has been done using the Governor Davis' January budget. Since then the deficit forecast has risen and there will be a May revise. She feels the budget is vulnerable given the lobbying efforts by other affected groups. Reichman suggested that since we are so close to the May revise we should wait until this information is known and then consider convening the Committee. He also reminded the faculty that the Layoff Committee only considers layoffs of permanent faculty, not lecturers. Rees added that she had convened the committee in 1992 but no layoffs were necessary. Osterello felt that convening the Committee at this point would only create more anxiety and pressure. Easterly noted that staff had recently attended a union meeting. She wondered what the situation was for the staff. Rees responded that union contracts cover all this and that the Office of the Chancellor must be informed if any staff layoffs are necessary.

C. Report of the Statewide Academic Senators

Senator Caplan reported Statewide meetings will be held next week and that, at the end of these meeting, a new Statewide Academic Senate (for 03-04) will be seated.

D. Report of CFA

Senator Reichman reported for McCoy. The CFA spring meeting was held in Sacramento. The following were elected to the CFA Board of directors: President- John Travis (Humboldt), Vice-President- Lillian Taiz (L.A.), Secretary- Patricia Hill (San Jose), Treasurer- Kim Geron (Hayward). Tom McCoy (Hayward) was one of the chapter Presidents elected as representatives to the board.

Bargaining has been reopened for the next year. Issues being bargained include salary, benefits and year round operations. Given the current state of the budget very little is expected from these discussions. The two sides mutually agreed to reopen other areas since salary/benefits increases are not likely. They are looking at other benefits that won't change costs. One issue being discussed is how to cope with the budget shortfall through retirements and a golden handshake is currently on the table. Reichman is one of the twelve CFA members on the bargaining team and he feels that the atmosphere is much improved over prior years. Two bargaining sessions have been held thus far and a third will be held at the end of the week.

CFA is sponsoring a budget forum on May 1 from 2:00-4:00 in UU 311.

E. Report of Student Government

There was no report from student representatives. It was reported that one of our students, Elizabeth Sandbothe, is one of the finalists to be the student representative to the Board of Trustees.

4. 02-03 CAPR 1-amended Outside Accredited Programs- recommendations for changes to 00-01 CAPR 7 (entire document is on the Senate web, documents page)

M/S/P (Garbesi/Norton) to approve.

5. 02-03 CAPR 5 Philosophy Five-Year Review

M/S/P (Caplan/Reuter) to approve.

6. 02-03 FAC 3 Changes to the Librarian Promotion, Tenure and Retention Policies and Procedures Document

M/S/P (Norton/Hird) to approve.

7. 02-03 FAC 4 Proposed Revisions to the Promotion, Tenure and Retention Policies and Procedures Document

M/S (Norton/Trumbo) to approve.

Lowenthal began the discussion by asking for an interpretation of the underlined sentence on page 2 of FAC 4, which reads "However, deficiencies in instructional or professional achievement may not be offset by exceptional ratings on the criteria for internal university contributions or external representation". He wondered if it was also true that exceptional ratings in instruction cannot offset deficiencies in professional development. He wanted to be sure that only minor deficiencies in professional development could be offset by exceptional ratings in instruction. Reuter responded that the sentence reads as is, that exceptional ratings in internal or external representation cannot offset even minor deficiencies in other areas. Trumbo, Chair of FAC, stated that the Committee's intent was to draw a line between instruction and professional development on the one hand, and internal and external representation on the other. Nothing from the latter can substitute for deficiencies in the

former. Reichman inquired about the effective date of application of these new standards. Some faculty who are, or are soon to be eligible for retention, tenure or promotion should not be subjected to a change in regime. Trumbo agreed and recommended that there be an added statement to the effect that the policy is in effect for all faculty hired on tenure track after June, 2003. Garbesi wondered why this change was necessary. Trumbo replied that FAC felt that with declining tenured/tenure track faculty simply serving on a committee should not substitute for professional development. Some on the Committee felt this did not go far enough. Andrews urged rejection of this part of the proposed change. This issue is unnecessarily restrictive and should be left to the faculty to determine individually.

M/S (Andrews/Garbesi) to delete this sentence from the proposed document.

Discussion now turned to the motion to delete. Lowenthal opposed the amendment. He felt the amendment goes the wrong way, letting election to committees and attendance at committee meetings substitute for more substantive professional activities. He believed there was no reasonable way PT&R committees, Deans and Chairs could assess the contributions of a faculty member in a committee. Andrews disagreed on technical grounds, since she believed the sentence simply duplicated what was already in the document. Reichman agreed with Andrews since he felt this would discourage committee service. Garbesi and Wort both indicated that PT&R committees look for depth of contributions at each level of consideration and that the profile approach had been the standard for many years. Nico also spoke in favor saying that the document itself already has a clear listing of the criteria pertinent for promotion, tenure and retention.

A vote on the amendment was taken and it passed.

Discussion on the main motion resumed. Lowenthal asked if the profile approach was relatively new. Trumbo indicated that the profile approach has been in place since 1976 when the original Promotion, Tenure and Retention document was adopted. Lowenthal asked if this was the standard at other CSU's. Trumbo responded that he felt this was likely although he had not checked the documents at other campuses. Ugbah asked if the proposed changes, especially those conflict of interest changes in section 3.2 were consistent with the Collective Bargaining Agreement. Trumbo answered that all documents must be consistent with the CBA; this is referred to in the fifth paragraph of section 1.0 of the PT&R document. Ugbah then stated that he agreed with Lowenthal that major deficiencies in instruction should not be offset by superior evaluations in professional development or any other area, or vice versa (professional development for instruction). The issue, according to Ugbah, is how to decide if the deficiencies are major or minor. Wort responded that different review levels will determine this for themselves.

Wiley wondered why the issue of deans arose. Trumbo responded that this was discussed in his memorandum to Wort. Before the proposed change the chairs and deans could decide for themselves whether to write letters for candidates. There was uneven application of the option. Some deans actually instructed chairs to write letters, others did not. FAC felt that uniform application of this rule should prevail, and that this would require that none of the chairs or deans write letters unless they have achieved a rank of higher than the rank of the individual being evaluated. Wiley countered that the CBA mandates voluntary input from students, staff and faculty in the promotion process. She wondered if this document contradicted the CBA. Towner asked why the procedure is not applied to the tenure process. Trumbo, responding to Towner, indicated that FAC did not consider this an important issue. Reichman responded to Wiley by suggesting that the CBA requests information from all parties while the PT&R document requires an official recommendation. Anyone can give information to PT&R committees but only selected persons can make official

recommendations. He felt section 3.2.2 was not in violation of the CBA. Caplan wondered why the eligibility criterion was being questioned since the chairs and deans are acting as administrators, not as faculty. Thus, academic rank is not important. Andrews agreed with the changes proposed since the gradual increase in the number of chairs at lower ranks will spare these chairs from making decisions and being put in an awkward position. Clark was not convinced that 3.2.2 was not in violation of CBA. There is no way to tell until the University faces arbitration and the arbitrator makes a decision. He added that the most important thing is fairness, and that different perspectives help inform the committee. In his opinion, the current PT&R document has served the university quite well.

Rees cited a potential case where both the chair and the dean were not at a higher rank as the candidate and the dossier arrived at her office essentially missing two very important evaluations. She would be very uncomfortable in these circumstances. Hird also expressed concern with this part of the document.

M/S (Hird/Schutz) to refer 3.2.2 b & c back to FAC for further consideration.

Reichman, speaking against the motion, felt that the circumstances cited were extremely unlikely. Caplan suggested the motion could not be divided. It should be passed as amended or entirely sent back. Trumbo suggested that 3.2.2 c be deleted and then consider the rest of the document. His concern was that many stylistic changes would not be adopted at this time if the document is referred.

M/S (Hird/Schutz) to amend the motion to drop 3.2.2 c and consider the rest of the document. Caplan asked that this be divided and considered separately. Caplan's alternative motion died for lack of second. Andrews spoke in favor of the amendment, feeling that the case cited by the President is actually a likely case. She wanted to leave it to the deans and chairs, rather than tying their hands.

Motion passed.

Reuter suggested that the stylistic changes in 3.2.2 b be retained regardless of what was done to the rest of that section. Osterello moved to table the document. Rees reminded the Senate that a move to table leaves the document on the table until someone moves to bring it back. There is a difference between tabling a motion and postponing consideration of a motion. Wort added that he does not think the document should be tabled. Osterello's motion dies for lack of second.

M/S (Andrews/Schutz) to retain "may decline" and omit "shall not" from section 3.2.2 b.

Hird opposes the motion since the deans are now back in the process with the approval of the amendment to delete section 3.2.2 c. Reichman also opposed the amendment citing the case where the chair of the department is going up for promotion and a chair's letter cannot be written.

A vote on the amendment was taken and it was defeated.

Langan called the question. This passed. A vote was taken on the original motion as amended by deleting section 3.2.2 c. This passed.

8. 02-03 BAA 2 Survey of Regular Faculty and Lecturers

M/S (Langan/Evuleocha) to approve.

The amendment, allowing comparisons longitudinal and cross-sectional comparisons was included on the back page of the document.

Merris initiated the discussion by stating that he was confused about he would respond to the survey, citing question 10 and questions 27-42 as ambiguous and difficult to answer. Wort responded that the office of the Academic Senate is looking at this with the intent of asking for help from Assessment and Testing. Langan (Chair of FEDC) added that this was a good idea since A & T has already been involved in drafting some of the language. Merris opined that he has faith in A & T for technical issues but feels these are delicate issues and that faculty with appropriate expertise be solicited (not asked) for their professional help. Ben Bowser and Steve Ugbah were mentioned.

Trumbo moved that the Senate agree in principle to the survey, that expert help be solicited and that XCOM approve the final wording. Upon Caplan's urging the entire Academic Senate was asked if this was considered a friendly amendment. Langan agreed. Wort proceeded to a vote of the main motion.

Motion passed unanimously.

9. 02-03 BAA 4 Improving Procedures to Facilitate Diversity Efforts of Faculty Search Committees

M/S (Evuleocha/Liberti) to approve.

Reichman suggested that the position announcement be submitted to the Office of the Dean with the request for the position, thus separating the announcement from the search committee and its membership. Caplan wondered, in reference to section 1 of the document "change at a later date", who would make the change to the search committee. Reuter responded that a change in the search committee would be made for reasons other than diversity; a committee member might become ill or go on leave necessitating a change in committee membership.

Caplan, changing the thrust of the discussion, argued that past searches have been cited for not meeting the diversity requirements (pool of candidates considered not diverse enough) but these committees were not advised about the specifics of the problem.

Langan, going back to the prior discussion, felt that no-one will judge the diversity of the search committee but that any committee formed early in the search process is open to change in composition. Early appointment means liaison for diversity and the job description can be done earlier.

Opp felt there was no good reason to form the search committee before a position request is made. She argued that it was much more logical to form the committee after the position is approved since the optimal composition of the committee, in terms of expertise, might be altered once the actual position is approved. Subtle changes are often made to the request after the dean's review of the request. Job description is best done after notification that they can search.

M/S/P (Opp/Garbesi) to change the procedure to form a search committee after approval of the search has been received.

Merris worried about requiring the committee to educate itself regarding diversity. In particular, he was concerned about section 3 that designates a diversity facilitator. It is well intended but may have unintended consequences. This would have the effect of reducing the

need of an AALO. Langan replied that this was not the case; that this simply designated one member of the committee to work with the AALO. Warriner added that this was most likely to be someone other than the chair of the committee. This would allocate responsibility more widely. Towner asked if the intent of the document is to insure a more diverse outreach by diversifying the pool of applicants.

Since the adjournment time was rapidly approaching Wort asked for a motion to extend discussion for an additional ten minutes.

M/S/P (Caplan/Schutz) to extend discussion to 4:10.

Wiley did not think it would be possible to hold the meeting required in section 4 this spring; realistically, given the budgetary uncertainties, this could not happen. This document should be changed to late spring or as early as possible. She advocated putting some flexibility in it. Trumbo replied that FAC had considered a similar issue. The spring meeting could deal with the problems and needs of all departments contemplating searches. He has spoken with many department chairs that have indicated varying difficulties meeting the diverse pool requirement. One central meeting cannot suffice for all individual departments. Langan strongly agreed hoping the AALO will meet individually with each department.

Motion passed with one abstention.

10. 02-03 BEC 5 CMS Resolution

M/S (Schutz/Reichman) to approve.

Hird asked what is earmarked funding that is not instructionally related. Reichman explained that the Office of the Chancellor took money out of its own budget without asking the legislature for additional funding for the CMS project. He contrasted that with current attempt to increase the percentage of permanent faculty compared to lecturers. In this case the Office of the Chancellor asked the legislature for increased funding to meet this objective, saying that it wouldn't be done without additional money specifically earmarked for it. Ostarello asked what "fully accountable" meant. Reichman responded that this was the language used constantly in reference to the faculty. The Board of Trustees would be left to interpret this term.

M/S/P (Reichman/Langan) to terminate debate.

Motion passed with two nays.

10. Adjournment

M/S/P (Caplan/Cassuto) to adjourn

Respectfully Submitted

Alex Cassuto, Secretary