TO: Members of Regular Faculty  
FROM: The Executive Committee of the Academic Senate  
SUBJECT: Notice of Fall 2012 University-wide Election for October 17- October 30, 2012  

This is the ballot to cast your vote for the Fall 2012 University-wide Election. The election will consist of the following:

- Five members to the Professional Leave Committee, 2012-2013  
- Five members to the University Administrative Review Committee, 2012-2013  
- One Foundation Board Member, 2012-2014  
- Four members to the Search Committee for the VP of University Advancement  
- Two members to the Search Committee for the University Librarian  
- One ASCSU Statewide Senator, 2012-2015  
- Amendments to the CSU East Bay University Bylaws regarding FDEC becoming a standing committee  
- Amendments to the CSU East Bay University Bylaws regarding student representation on the Academic Senate  
- Amendments to the ASCSU Constitution regarding inclusion of advancing academic freedom

DIRECTIONS FOR VOTING:

To view the ballot before voting electronically, or to see results once the election concludes, please visit the Senate News/Elections page at:

http://www20.csueastbay.edu/faculty/senate/news.html  


IN ORDER FOR YOUR VOTE TO BE COUNTED, YOUR BALLOT MUST BE SUBMITTED ELECTRONICALLY BY 5:00 P.M. OCTOBER 30, 2012.

Professional Leave Committee, 2012-2013  

Professional Leave Committee Policy and Procedures state:

2.1 At least one member shall be elected from each College and the University Library.  
2.2 Those eligible to serve as members of the Committee shall be only those members of the University Faculty who are tenured faculty unit employees.  
2.3 Those eligible to vote for members of the Committee shall be only those members of the University Faculty who are probationary or tenured faculty unit employees.  
2.4 A faculty unit employee applying for a sabbatical leave may vote for members of the Professional Leave Committee but shall not be eligible to serve on the Committee.

(Please obtain permission from a tenured faculty member or tenured librarian, to include them as a write-in candidate)

You may enter more than one write-in candidate in the "other" box.

☐ Hongwei Du (CBE)
University Administrative Review Committee (UARC), 2012-2013

The membership of the University Administrative Review Committee (UARC) committees reviewing the performance of University- and College-level administrative officers shall be composed of one tenured faculty from each of the four colleges and one tenured librarian who shall be elected by the ordinary procedures of University at-large elections for two-year terms, and a Presidential appointee (who may be from another CSU campus).

(need 1 additional faculty member from CEAS to accommodate the committee stipulations of "one tenured faculty from each of the four colleges and one tenured librarian." Please obtain permission from a tenured faculty member or librarian to include them as a write-in candidate.)

You may enter more than one write-in candidate in the "other" box.

- Jen Eagan (CLASS)
- Liz Ginno (LIB)
- Fung-Shine Pan (CBE)
- Mitchell Watnik (COS)
- Other

Foundation Board Member, 2012-2014

(one regular, tenured faculty member)

Please obtain permission from a regular, tenured faculty member to include them as a write-in candidate.

- Michael E. Good (CLASS)
- Gary Li (CLASS)
- Saeid Motavalli (COS)
- Meiling Wu (CLASS)
- Other

Search Committee for Vice President of University Advancement

(need 1 additional tenured faculty member from CBE, CEAS, COS and/or the library to accommodate the committee stipulations of "four tenured faculty members including library faculty; no more than one member from each college/library." Please obtain permission from a tenured faculty member or librarian to include them as a write-in candidate.)

You may enter more than one write-in candidate in the "other" box.

- Buddy James (CLASS)
- Meiling Wu (CLASS)
- Other
Search Committee for University Librarian

(need an additional tenured faculty member from CBE, CEAS or COS to accommodate the committee stipulations of "two tenured non-library faculty from separate colleges." Please obtain permission from a tenured faculty member to include them as a write-in candidate.)

You may enter more than one write-in candidate in the "other" box.

- [ ] Eileen Barrett (CLASS)
- [ ] Other

ASCSU Statewide Senator, 2012-2015

(one regular, tenured faculty member)

Please obtain permission from a regular, tenured faculty member to include them as a write-in candidate.

You may enter only one write-in candidate in the "other" box.

- [ ] Susan Gubernat (CLASS)
- [ ] Michael Lee (CLASS)
- [ ] Other

AMENDMENT TO THE CSU EAST BAY UNIVERSITY BYLAWS TO ESTABLISH THE FACULTY AND EQUITY DIVERSITY COMMITTEE (FDEC) AS A STANDING COMMITTEE

Below are the amended (ARTICLE XIII) and proposed new (ARTICLE XVII) sections of the CSU East Bay Constitution; inclusion of FDEC to section XVII of the Bylaws would effectively change FDEC from an ad hoc committee to a standing committee.

ARTICLE XIII
LIAISON OFFICERS OF THE UNIVERSITY FACULTY
SECTION 2. DIVERSITY & EQUITY LIAISON OFFICER (DELO)

A. The Academic Senate shall elect for a two-year term a tenured regular faculty member to serve as Diversity & Equity Liaison Officer. The election shall normally take place in the year preceding the term of office.
B. The Executive Committee of the Academic Senate may nominate candidates for Diversity & Equity Liaison Officer. The Academic Senate may make additional nominations. A vacancy in the position shall be filled for the remainder of the two-year term by the same procedure.
C. The same person may be elected to serve additional consecutive terms.
D. The duties of the Diversity & Equity Liaison Officer shall be to:
   1. Maintain an appropriate liaison with the search committees to encourage a search in the broadest spectrum possible; consult with other administrators who have assigned responsibilities in Affirmative Action, and as appropriate, with faculty standing committees about policies, activities, and issues affecting Faculty Diversity & Equity at the University;
   2. Report regularly, as requested by the Executive Committee, to the Academic Senate on matters affecting diversity and equity;
   3. Recommend as appropriate further review, study, or action by the Academic Senate or Executive Committee on matters affecting Diversity & Equity; and
   4. Serve as a clearing-house for system wide policies and procedures concerning faculty diversity and equity at the University.
   REMOVED 5. Serve as Chair of the Faculty Diversity and Equity Committee (FDEC) which is a non-standing committee of the Academic Senate. REMOVED

ARTICLE XVII
THE STANDING COMMITTEES OF THE UNIVERSITY FACULTY
SECTION 6. COMMITTEE ON FACULTY DIVERSITY & EQUITY (FDEC)

A. Duties of the Committee:
   1. The FDEC shall have primary responsibility for advising and making recommendations to the Academic Senate on policy and procedural issues related to California State University, East Bay's faculty diversity, including examining all policies and procedures regarding faculty diversity and equity in recruiting, hiring and retention at CSUEB as practiced at the University, College and Department levels. As such, FDEC shall study and report on issues relevant to
increasing faculty diversity, including all available statistical data regarding faculty diversity and equity in recruiting, hiring and retention at CSUEB.

2. The FDEC, in cooperation with the DELO, shall monitor all departmental tenure-track hires to determine the impact on the ethnic and gender composition of the departments. Each FDEC faculty representative shall serve as a liaison to his or her College or Library, in order to assist Departments in their efforts, so that faculty searches are equitable and inclusive.

3. The FDEC shall review and comment upon five year reports from each department and unit on diversity related issues and efforts, which should include responses to CSUEB institutional research data and the diversity component of CSUEB dashboard data. For each five year report, the FDEC will submit to CAPR a one-page “Diversity Response and Recommendation” that will be attached to CAPR’s review of the five year report.

4. The FDEC shall monitor faculty diversity climate issues and studies, including the reoccurring faculty diversity climate study that uses both quantitative and qualitative methods to assess the commitment and practices for recruiting and retaining a diverse faculty. This shall include the development and review of procedures for conducting exit interviews of faculty leaving the university.

5. The FDEC shall consult, when appropriate, with other Standing Committees.

**MEMBERSHIP**

B. The Membership of the Committee on Faculty Diversity & Equity shall be:

1. Five (5) faculty, one from each College and the Library, to be elected by a vote of each College faculty vote to two-year terms, serving no more than two consecutive terms.

2. One faculty member with expertise in Ethnic Studies, to be appointed by the Chair of the Department of Ethnic Studies to a two-year term, serving no more than two consecutive terms.

3. One faculty member with expertise in Women's Studies to be appointed by the Chair of the Department of Human Development & Women's Studies to a two-year term, serving no more than two consecutive terms.

4. The current Diversity & Equity Liaison Officer, to be elected by the Academic Senate to a two-year term, serving no more than two consecutive terms.

5. The current Director of Equity & Diversity.

6. One liaison (non-voting member) from each non-academic Division, to be appointed by each Division's VP to a two year term, serving no more than two consecutive terms.

7. One presidential appointee.

8. One student representative, to be appointed through ASI to a one-year term, serving no more than two consecutive terms.

**RATIONALE:**

The Faculty Diversity and Equity Committee was approved by the Academic Senate on June 2, 1998, on a provisional basis for two years. On October 3, 2000 the Academic Senate approved 00-01 BEC 4, which continued the committee for the indefinite future, and it continues on as an ad hoc committee now, fourteen years later.

Given the centrality of diversity to the mission of the university and given the faculty’s commitment to diversity and inclusion, standing committee status for the Faculty Diversity and Equity Committee is essential. Standing committee status is recognition of the importance and significance of critical issues of diversity, inclusion and campus climate to the overall well being of faculty, students and the wider university community.

I approve of the above amendments to the CSU East Bay University Bylaws:

- [ ] Yes
- [ ] No
- [ ] Abstain

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**AMENDMENT OF THE CSU EAST BAY UNIVERSITY BYLAWS REGARDING STUDENT REPRESENTATION ON THE ACADEMIC SENATE**

Underlined below are the suggested amendments to the CSU East Bay University Bylaws.

Constitution ARTICLE V

THE ACADEMIC SENATE

SECTION 2: The membership of the Academic Senate shall include:

[...]

J. the same number of members as the smallest College (not including the University Library) selected from among undergraduate or graduate students, in accordance with Article XII of the Bylaws of the University Faculty;

[...]

Constitution ARTICLE VIII

STUDENT PARTICIPATION IN FACULTY GOVERNANCE
SECTION 1: Student members, with number as specified in Article V, Section 2, J, shall be regular voting members of the Academic Senate.

Bylaws ARTICLE XII
STUDENT MEMBERSHIP ON THE ACADEMIC SENATE AND ON STANDING COMMITTEES

SECTION 1: Student Members of the Academic Senate and Committees
In the Spring Quarter the Associated Students Chair will arrange for the election of the number of student members of the Academic Senate specified in Article V, Section 2, J of the Constitution, and two (2) student members to each Standing Committee except the Faculty Affairs Committee and the Committee on Budget and Resource Allocation. Student representatives shall be elected to one-year terms that commence June 15. The following criteria shall apply in determining eligibility: [...]

RATIONALE:
Currently, the Constitution and Bylaws of the University Faculty specify that there are seven (7) “student members of the Academic Senate” (Article VIII, Section 1 of the Constitution and Article XII, Section 1 of the Bylaws). There are 25 college and 10 “at large” members of the Senate from the faculty. Additionally, the 5 (currently) standing committee chairs each get a seat. This is 40 regular faculty members (if the ASCSU Senators do not hold college or at large seats, this total becomes 42). The staff gets 1 representative, as do emeriti. The Provost is a voting member of the Senate. Lecturers elect 4 representatives and “student services professionals” elect 2. All in all, there are currently 55 (or possibly 57) members of the Academic Senate, 7 of whom are students.

This means that students hold over 12% of the votes on issues such as RTP changes. A bloc of students voting could change the outcome on a vote for a resolution in the Academic Senate, in which case the Academic Senate is “speak[ing] for the University Faculty” (Article XIV, Section 2 of the Bylaws). The faculty does not get a single vote in ASI affairs.

The College of Education and Allied Studies currently has 4 allocated members of the Senate; the College of Business and Economics has 3. So, the student representatives equal the number of representatives of the total of the two of the Colleges combined. While the number of students on the Academic Senate would still be substantial (as proposed, it would currently be 3), their influence would be lessened.

I approve of the above amendments to the CSU East Bay University Bylaws:

- Yes
- No
- Abstain

AMENDMENT OF THE CONSTITUTION OF THE ACADEMIC SENATE OF THE CALIFORNIA STATE UNIVERSITY (ASCSU)
TO INCLUDE ADVANCING ACADEMIC FREEDOM

Underlined below is the suggested amendment to the Constitution of the Academic Senate of the California State University, Article I, Section 1 (a):

It shall be the purpose of the Academic Senate of the California State University (ASCSU) to promote academic excellence in the California State University; to advance the principles of academic freedom and freedom of inquiry as generally recognized in the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments when faculty carry out their responsibilities; to serve as the official voice...;

According to the ASCSU Constitution, Article VII, amendments to the ASCSU Constitution must be forwarded to individual campuses for a system-wide ratification.

Below is the rationale for the amendment provided by the CSU office, from document AS-3076-12/FA (Rev):

The Preamble, The Constitution of the Academic Senate, The California State University, specifies that the Constitution is adopted by the faculty of the CSU “in order to exercise its rights and fulfill its responsibilities in the shared governance of the University.” In setting forth these rights and responsibilities in subsequent Articles, at no point does the Constitution reference the important role of the ASCSU in safeguarding and preserving the principles of academic freedom for the faculty it serves throughout the CSU system. The purpose of this amendment is to remedy this serious omission in the Constitution.

The American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments sets forth the most widely accepted and understood statement of academic freedom for higher education. The 1940 Statement was developed as a joint project by the AAUP and the Association of American Colleges (now the Association of American Colleges and Universities). In 1966 the AAUP, the American Council on Education, and the Association of Governing Boards of Colleges and Universities jointly
formulated a Statement on Government of Colleges and Universities which was formally recognized by the executive bodies of each group. That statement incorporates, by reference, the 1940 Statement of Principles on Academic Freedom and Tenure. In 1969, a joint committee of the AAUP and the Association of American Colleges developed Interpretive Comments on the 1940 Statement, which were adopted by the Council of the American Association of University Professors in April 1970. In addition Section 3561(c) of the Higher Education Employer-Employee Relations Act (HEERA) encourages the free exchange of ideas among faculty, students, and staff, and goes on to state: “All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the ...California State University.” In 1971 the CSU Board of Trustees affirmed their commitment to the principles of academic freedom and referenced the AAUP 1940 Statement of Principles on Academic Freedom and Tenure from which the Board’s own policy was extracted. For decades, the ASCSU has been a strong supporter of academic freedom. In 2004, the ASCSU affirmed its endorsement of the (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments. Given the recognized importance of preserving and safeguarding academic freedom within higher education, and the unwavering commitment of the ASCSU to advancement of academic freedom in the CSU, this principle must be articulated within the Constitution of the ASCSU and regularly monitored as circumstances generate new interpretations. As the AAUP contends, “The 1940 Statement is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.” Given the nature of shared governance in the CSU, any future developments which require new interpretations of the principle of academic freedom could be discussed by the ASCSU for formulating recommendations to the Board of Trustees, which has the authority over adoption and implementation of the ASCSU recommendations. This resolution addresses concerns raised by the CSU General Counsel following campus approval of an amendment previously proposed to accomplish this goal (AS-3003-11/FA [Rev]).

I approve of the above amendment to the ASCSU Constitution:

- Yes
- No
- Abstain

Please contact the Senate Office if you have any questions regarding this election.