

<p>Academic Senate February 12, 2013</p> <p><b>Present:</b> Bice, Broadwater, Burroughs, Colnic, Crayton, C. Davis, Deaner, Eudey, Espinoza, Filling, R. Garcia, Gerson, Gomula, Gonzales, Grobner, Guichard, Hartman, Hidalgo, Johnson, Lore, Jasek-Rysdahl, Littlewood, Manrique, McGhee, Mulder, Nagel, O'Brien, Park, Peterson, Petratos, Petrosky, Poole, Regalado, Salameh, Silverman, Strahm, Strong, Vang, and Werling.</p> <p><b>Proxies:</b> John Garcia for Valerie Leyva, Roxanne Robbin for Stacie Scheiwiller and Sari Miller-Antonio for Steve Arounsack.</p> <p>Excused: Renae Floyd and Carolyn Martin.</p> <p><b>Guests:</b> Lauren Byerly, Dennis Shimek, Kevin Nemeth, Oddmund Myhre, Annie Hor, Marge Jaasma, Reza Kamali, James Tuedio, John Sarraille and Martyn Gunn.</p> <p>Isabel Pierce Recording Secretary</p>	<p>First Reading Item: Moved to a second reading at the next Senate meeting.</p> <p>First and Second Reading of 17/AS/13/AS – Resolution on Executive Order 1083 Mandatory Reporting of Child Abuse and Neglect. Passed as a Sense of the Senate Resolution.</p> <hr/> <p>Next Academic Senate Meeting: February 26, 2013 2:00-4:00pm, JSRFDC Reference Room</p> <p>Minutes submitted by: Cathlin Davis, Clerk</p>
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**1. Call to order**

2:05pm

**2. Approval of Agenda**

Approved.

**3. Approval of Academic Senate Minutes of January 29, 2013.**

Approved.

**4. Introductions**

Speaker Grobner welcomed the following guests: Lauren Byerly, Dennis Shimek, Kevin Nemeth, Oddmund Myhre, Annie Hor, Marge Jaasma, Reza Kamali, James Tuedio, John Sarraille and Martyn Gunn the new Director of Retention and Advising, Judicial Affairs Officer.

**5. Announcements**

Eudey announced that they have five different FDC activities coming up.

On Thursday, February 14, 11:00am-12:30pm (FDC114) Join faculty colleagues as we discuss: ***“Critical Pedagogy: Notes from the Real World”*** by Joan Wink.

Next Monday, February 18<sup>th</sup>, from 2-3pm in FDC President Sheley will be talking about enrollment dilemmas. This event is open to the entire campus community and there will be a Q&A.

On Tuesday, March 5, from 4-5pm there will be a meet and greet with Dr. Martyn Dunn. This is your chance to get to know him and find out what more about his goals for ARC.

The Critical University Studies Book Club will be discussing a book titled “Why School.” Steve Filling will be leading the discussion.

This Friday, February 15th there will be a discussion with Steve Arounsack on teaching with technology. Dr. S. Steve Arounsack, Assistant Professor of Cultural Anthropology, is the recipient of the 2012 Sony Electronics Faculty Award for Innovative Teaching with Technology

Dean Kamali announced that the Science Day on Saturday was a great success. He thanked all faculty, staff and student clubs for a successful day. He is especially grateful to Speaker Grobner facilitated the event.

Salameh announced that the ASI Board of Directors is hosting an open forum for students on Tuesday, February 19<sup>th</sup>, from 5:00-6:30pm at the Event Center. Please spread the word to your students.

#### **6. Committee Reports/Questions**

Regalado had a query for the Speaker. At the last Senate meeting Russ Giambelluca offered to return to provide more information regarding the winter session savings. Is there a place in the agenda for him? Speaker Grobner sent a formal request to Giambelluca and he has agreed to return later this semester.

#### **7. First Reading Item**

##### **a. 16/AS/13/UEPC- Policy for Academic Field Trips**

Johnson moved the resolution, seconded by Eudey.

California State University Stanislaus  
16/AS/13/UEPC – Policy for Academic Field Trips

Be it Resolved: That the Academic Senate of California State University, Stanislaus approves the attached Policy for Academic Field Trips; and be it further

Resolved: That this policy be effective for all field trips occurring after June 9, 2013.

Rationale: Academic field trips provide important educational benefits in a number of disciplines. Executive Order 1062 (EO 1062) issued by the CSU Chancellor requires each university within the CSU System to establish policy to maximize the educational experience, mitigate risk to participants, and minimize the university’s liability exposure. This policy complies with EO 1062.

LJ:rlc UEPC approved 12/13/12

This comes from an executive order issued by the Chancellor. It is required that all campuses have a policy for field trips. Included are specific details of what needed to be included, primarily related to risk management. We recognize that it has something in it for everyone to hate. We tried to simplify it as much as possible to help faculty who are doing field trips. Also included is a one-page guide. Johnson believes that risk management is working on developing a web page where faculty could go to get all information at one site and store it there, but it's not up and running yet. Marge Jaasma will check into this to make sure it's being developed.

Eudey noted that we are obligated to have a policy and this meets what the Chancellor's office expects. It is clear that there is new work that will go into planning field trips. If we have concerns with what's expected of us, we need to send those things to the Statewide Senate or the Chancellor's office.

O'Brien read the policy this morning and thought that UEPC did a really nice job. Might this policy allow for the possibility of an expedited review if something comes up? He wonders what would happen if you need to do it quickly. Who do you send all this to and how long would it take to process?

Johnson noted that most of this is done by the faculty and sent to the department chair. The travel approval follows the normal travel policy.

Nagel noted that in item B. Administrator Responsibility, the policy states that the University President is the delegating authority. Does that have to be in the policy? What if the next president changes his mind and doesn't want to be noted as the delegated authority.

Also, item 5.c. mentions a pre-trip evaluation of the site. Would a short memo to the dept. chair accomplish this? Possibly a sentence saying that the faculty has been to the site before and survived. What would a pre-trip evaluation to the site mean?

Johnson said that the language is from the executive order and it is not more specific.

Silverman has a couple issues. On section e. the Components of Emergency Response Plan seems to be saying that the faculty member is responsible for contacting emergency services and acquire care for injured students. What if the faculty member is the one who is injured? This doesn't cover what to do then.

Johnson said that we put that in the emergency response plan. It is her understanding that it is something that is distributed to everybody and you do the best you can. Somebody should be responsible for contacting the department chair. This is supposed to be reasonable and you are supposed to make a reasonable attempt to comply.

Garcia said his department had a question about the definition of a trip. For students doing an independent research project or a master's thesis and collecting data, does that fall under the category of a field trip?

Provost Strong and Speaker Grobner don't believe so. This should be only for courses taught on campus that include field trips.

Johnson stated that this language is given word for word from the executive order. Her interpretation, is when they are talking about "off campus...faculty member" they're talking about being accompanied by a faculty member. Someone going off campus such as in the scenario Garcia is talking about would not fall under this policy.

Peterson thinks that some things are a little bit ambiguous. It might expedite use if examples were provided. A public museum, for example, sounds like a safe place. If there is training provided to the faculty that might help us figure out what's required. She's an advisor for a club, and they go on trips. It's not clear to her if those are field trips. Also, with the emergency response plan, some of the things people do might need to be established in advance. One person can do it once for everyone who travels to a certain location.

Johnson is not sure that examples belong in the policy. She agrees that we need them. When they put together the web site, UEPC will suggest they add examples. Club activities are not under this policy. Regarding the training, risk management is responsible with providing the necessary information. There is not formal training at this stage and risk management is always available to answer questions.

McGhee asked, if a faculty member will be going with these students, what happens in a situation where a student is doing independent study, and the faculty and student go in opposite directions, not physically staying together?

Johnson agrees that there is a lot of uncertainty about this. She would recommend that if you have a situation that you don't feel fits in here, consult with risk management. They would have the information that we need related to specific situations.

McGhee asked if UEPC could add that to the policy. Unless you put it in the policy, people may not know to do that.

Espinoza referred to the Components of Emergency Response Plan. Student Affairs has a long standing practice of working with students who are in the hospital. Could Student Affairs be added to item E. 4. and be listed along with other emergency administrators? Yes, per Johnson.

The policy mentions immediately notifying the campus police in the event of a car accident. Johnson thinks that's to leave a message, just so they know what's happened.

Espinoza said that if you let Student Affairs know, they'll talk to campus police.

Gerson agrees that faculty could handle sections 1, 2, 3, and 5 but asked who would handle section 4 and 6 while the faculty member is at the site handling the emergency. They are hardly going to be calling everyone else. It seems that those steps should be done by someone on campus, with a desk, pen and paper to make all the calls.

Johnson that would be part of your plan. You notify someone and they call everyone else. You need a plan that somehow ends up with family members, administration, and the dept. chair being notified.

McGhee asked if after the implementation of this we are going to have someone available 24/7 to take calls. If it happens during a night or weekend, no one's going to notify parents until Monday. The calls to the University Police will be forwarded to the Turlock police.

Espinoza said that we do have an emergency protocol when things happen in the evening or weekend. The Turlock Police Department contacts the Dean of Students.

Provost Strong noted that we share dispatch with the Turlock Police. They cover for us and we cover for them. If there's an emergency, they would contact the Dean of Students or if it was sufficiently severe, they would contact the President. They won't just hold the messages. He will confirm to make sure.

Colnic noted that thesis work is not part of a field trip, but what about an individual study, participation in a conference or competition or students presenting a paper somewhere. For faculty to have to check out the site ahead of time seems unrealistic and makes the faculty member liable.

Johnson agrees that the faculty member would be liable as you can be sued for just about anything. This is designed to protect you. This does not increase your liability. When you're talking about independent study, she would check with risk management. The site visit is really just a very brief explanation of where they're going to be and what risk is associated with it.

Colnic said that that he has to identify everything they might do. Let's say he misses something, is he responsible for the risk of a student who got an airline ticket or is driving their personal car? Conferences are more problematic than the traditional field trip.

Eudey said that even without this policy we have a travel policy which includes a strong waiver of liability. It includes all that strong language that says the student knows when they travel there is risk. There have been issues in the CSU where students have traveled and bad things have happened to them. Students who have done travel to a conference sometimes do so without travel forms. No one would have known how to contact the parents, etc.

Silverman noted that on section E. Components of Emergency Response Plan, that these are the components without saying who is responsible. It says call 911 which implies the instructor is the one who does the calling. He's suggesting that this section be broken up and noting what the professor is responsible for and what someone else is responsible for. The faculty should have to do two things; call 911 and call someone at the university and then someone at the university makes the other contacts.

McGhee followed up on what Colnic said. He supports having a policy like this that is here to help us, but any time there is policy it opens us up to legal ramifications. This is a country that is sue-happy. We are going to have to be careful with following this policy and if you don't you can be at fault. Trump is suing Bill Maher for a joke. There are people who will sue and we have to be careful that we're not opening ourselves up. We have to be careful in following the process and implementation. Does the University provide an attorney in this situation?

Regalado asked what happens if a faculty member gets thrown in jail? They only get one phone call so who do they contact?

Espinoza requests that you provide copies of rosters to Student Affairs in advance. We can get that information, but it would be easier if it was provided.

The Provost's understanding is that due diligence could be going on the website or seeing if the site exists. Good judgment is in order to make a reasonable assessment of where the field trip is going. If you've been there before that is sufficient.

Jasek-Rysdahl noted that per the emergency response plan the policy doesn't need the list of what the faculty member is responsible for. If there's a high probability of you being arrested, include that in your plan. There's no way a policy can include all that.

Johnson agrees. She thinks that we want to keep in mind that a policy can't anticipate every situation. Use your best judgment. If you're engaging in some sort of activity, like a protest where you might be arrested, then that would be part of your plan.

Eudey noted that some of the questions that are arising are important, but she would remind faculty that we have policies related to Service Learning, internships, and lots of areas with liability. If you haven't done the work for those, you're out of compliance. You need to take a moment and see if you're in compliance with other policies.

Regalado agrees you should use your own good judgment. He wonders if the policy states that. There's no provision that allows that. He can see how a Political Science professor could get involved in a situation and get arrested. It happened during the civil rights era all the time.

Gerson thinks that a lot of what's in here is what we're doing already. If biology classes go to a new park to look for snakes, we visit and make sure there are paths to walk on. We only go to places where we know our students will be safe. We make sure they are dressed appropriately. If you're going to civilized locations you can look on line. She wouldn't take her students to a wild place she had never been.

Regarding the emergency response plan, it would be nice if there was some consistency. All you should need to do is collect the student information and if there is an accident you need to call 911 and the department chair. When thinking about weekend and evening activities, and labs that run late, it might make more sense to have one person on campus that is called. It might be nice to decide if we want a centralized procedure or a department plan.

Colnic mentioned the word liability. His point was more to look at ambiguity in definitions. It doesn't say thesis research is not part of the definition, nor does it specify the role of Individual Studies. The clearer we can be with definitions the more we know if it applies. Some things are clearly field trips but he's not sure about some of these other things.

The Provost asked Shimek to explain the issue of counsel provided to faculty.

Shimek said that the general policy of CSU is that the university will provide counsel and representation as long as they have not done something so egregious. If there is a conflict of interest, the faculty member is provided with paid counsel from the outside.

The Provost asked if it would have to be an egregious violation for counsel to not be provided.

Shimek said that CSU provides for the representation of faculty who in the course and scope of their employment might be sued. Each case is evaluated by CSU attorneys. There is a document that outlines the conditions of the representation. Shimek will provide the Senate with the full policy for their reference.

O'Brien asked who is responsible for this. This policy says the president, provost, deans, chairs, directors. It seems like it hinges on the emergency response plan. What if the plan is bad, then who reviews it? What happens if you didn't have an appropriate plan? This is something to think about.

Filling said that counsel is provided by the university but that faculty should seek counsel from the CFA. CFA does not have financial connections to the university.

Robbin suggested changing the words "*led by faculty*" to "*accompanied by faculty*". Johnson is not sure if that change fits the executive order.

Sarraille thanked Filling for pointing out that if a faculty union employee is under threat of legal proceeding, they should contact CFA. If you join the CFA you have up to 1 million dollars in professional liability insurance.

Shimek would certainly for the record join in the comments from Filling and Sarraille that they should seek advice from CFA.

## **8. Information Items**

### **a. Mandatory Advising (Suzanne Espinoza)**

VP Espinoza said that she's been having conversations with Martyn Gunn, the new Director of Retention and Advising, Judicial Affairs Officer, about the possible responses we have to meet the advising plan. They are looking at all the different groups of students who need to be advised. They have a plan that they have prepared and will be taking it to UEPC shortly. This includes looking at the different groups of students with different needs. Dr. Gunn has already reviewed the plans and provided significant contributions to improve them.

Nagel still has concerns about the pre-nursing students in regard to their likelihood or unlikelihood of advancing into the nursing program. We have a number of students who take classes while waiting to get it. He would like to know how many students in a single cohort are admitted into the program. If nursing takes only 25%, are the students told this at some point in their advising?

Speaker Grobner said that the pre-nursing students are being seriously looked at. They will be identified earlier and advised to look at other careers. The College of Science has a work group looking at this. We don't have a perfect plan in place but it is being looked at seriously.

McGhee asked, for the pre-nursing students, if the majority of those slots are going to community college students, which would reduce the slots for our students. Is there a possibility to advise students to do a dual track so they can work towards a different degree while they wait to see if they get in? They could complete a degree relatively quickly. When you have such a constrained resource, what's best for our students is to make sure we don't dash their dreams along the way but make sure they don't wake up one day with debt and no degree either.

Speaker Grobner said that concern is also being looked at.

**b. Mandatory Reporting of Child Abuse and Neglect – Ex. Order 1083 (Dennis Shimek)**

Shimek said that at the last meeting he distributed the policy. He got a lot of very good feedback that he has noted and will follow up on. He has scheduled meetings with dept. chairs in all colleges to address concerns. He's been working with the Chancellor's office with the importance of having a training program and an ongoing Q&A. The Chancellor's office is working on getting that done. He's meeting with FAC and when he gets that information from the Chancellor's office he will share it with FAC. He's very sensitive to the issues that the Senate has brought up. He's hearing the same thing from others across campus: that full training is key.

McGhee thanked Shimek for all the work he's doing on this and asked that he continue to bring the Senate updates on progress.

McGhee asked that our Statewide Senators see that the Statewide Senate is pursuing some process so that the CSU and UC are not treated differently. He believes someone should try to estimate the cost of compliance if every CSU employee must be trained. If people are coming and going, there is money that could be going to better purposes than the blanket policy. There is a lot of potential exposure to faculty if they do something wrong. For faculty it will take a lot of training. We don't normally see minors in our classes, so he's not sure we would know what to look out for. We need a better thought out policy before it is implemented. Of course, we should report if we see something that we think is a crime.

Sarraille has done a bit more investigating into the bill. He found that when the bill was originally introduced it said all employees should be mandated reporters. Later on Stanford and UC asked for changes in the wording of the bill because of concerns that it was too general. They suggested some wording about people who supervise people who work with children. Some of

the wording came from universities. There were statements and input from community colleges but he was unable to find input, remarks, or suggestions from CSU on record. Now we have the statement in the bill that says “regular contact with children.” Does that mean that ordinary faculty aren’t included? He is concerned that the CSU faculty should not be treated differently than teaching faculty at Stanford and the UC.

Shimek has the same interest and he’s researched the same issues. He is in constant communication with the Chancellor’s office and agrees that we need to sort this out.

The two Statewide Senators support McGhee’s idea and will put forward a resolution to the Statewide Senate with these concerns.

Sarraille said that it bothers him that people come to us and tell us these things and don’t disclose all the information. Sometimes you get the impression that people are trying to mislead you. He wishes that people would come to us with more information and not make us look it up ourselves.

Shimek asked if Sarraille was referring to him specifically. At this point the speaker called the room to order and acknowledged the next senator on the list of speakers.

Regalado asked what prompted Executive Order 1083 and if there has been a rash of abuse and neglect in the CSU.

Shimek said that in terms of the entire history, not to his knowledge. After the law was amended and passed, the Chancellor’s office put forth a reasonable interpretation. He’s sharing with us everything he knows. They consulted with the system wide Senate.

Provost Strong asked Shimek if he meant to say they consulted with Statewide or CFA.

Shimek clarified that they consulted with several unions and the Statewide Senate.

Espinoza said we only have a few students who are less than 18 years old. The issue is related to Student Affairs, resident halls, such as sexual assault. If one of the parties is under 18, different laws apply.

Salameh asked if this law applies to student assistants.

Shimek said that faculty and staff are considered employees. If students are employed, they would be considered staff.

Regalado thinks that we should be aware. If there’s a clear case of child abuse or neglect it should be reported. As faculty members we’re facing liability issues. We need full training to be able to recognize these things.

McGhee moved that the CSU Academic Senate formally direct the Statewide Academic Senators to request further guidance on Executive Order 1083, seconded by O'Brien.

McGhee motioned to move to this to a second reading, seconded by Filling.

McGhee reminded us that this policy is moving forward quickly and if we wait until our next meeting this policy could be fully developed and we won't be able to do anything. There is a need for urgency as the Statewide Senate meets this Friday.

Salameh called the question.

Results of the vote on moving to a second reading, 34 yes, 4 no. Moved to a second reading.

Nagel asked for a friendly amendment to include statement that we publish it to other academic senates. McGhee accepted the friendly amendment.

Eudey appreciates the intent of this sense of the senate resolution and wants to find better wording. It's just that we have concerns that the policy is poorly defined.

Colnic suggests that we request that the Statewide Academic Senate ask the Chancellor's office to revise the Executive Order 1083.

Peterson is concerned with making an ethical mistake. It is disturbing that we be required to do something that others don't have to do, but we all agree that if we see abuse we should report it. It's odd that some universities don't have to do this. However, she thinks that if we thought child abuse was occurring that the right thing is to report it. Part of her thinks that we're going about this the wrong way. This suggests that there may be training for it so we might recognize it.

Jasek-Rysdahl opposes going on record for this. He would hate to see the paper picking this up that Stanislaus is opposing a law against child abuse. He doesn't oppose the spirit of asking but opposed this going on the record.

McGhee said that we're not saying we're against reporting child abuse. We're all supposed to sign a legal statement that says we're liable. If you see something happen you should report it, but this is a legal document that we're saying we know what we're supposed to do. This will require a lot of training. It's a legal issue that we have to protect both sides.

Regalado would respond to his colleagues by asking if we would feel better if it showed up in the paper that we made mistakes and there's a lawsuit over this. In 1980 there was a case in a school in California with a child abuse case and people were sent to jail because people didn't fully understand the situation and what to do.

Sarraille said that it is possible that the lawyers may decide that all those who teach 17 year old students are mandated reporters but that should apply to the UC as well. There's the concern

about training and how much liability is being taken on. He wants it to be implemented the same for everybody.

Hartman appreciates the dialogue very much. One issue is that our faculty, staff and employees don't work directly with children. The two most widely reported incidences were at Penn State and the Catholic church. In those cases it was adults who worked with other adults that were engaging in child abuse and not people dealing directly with children.

Jasek-Rysdahl said that all of these are very important issues. The resolution is to have our statewide senators bring this to statewide Senate and he doesn't think we need a resolution to get that result.

Duggan said that as staff he has some responsibilities. We have a preschool day care center and there are children on campus. That is something we have to be aware of.

Eudey thinks that the idea of the policy is a good one, but the language that is used in the policy is not helpful enough. It leaves things vague for us. Without having seen the training, it is hard for us to make decisions. She teaches in Gender Studies and if students speak of something in that class she needs to know if she has to stop any of the conversations. She doesn't think it was the intent of the law to stop or hinder conversations in her classes. The Chancellor's office couldn't answer her question on this. She does think that this can bring general discomfort in the way our CSU system interprets the law. The resolution carries force and it's not that we're against the law. It's that we're unclear on the wording of the policy.

Gonzalez said that we just had a Science Fair and there were many children on campus. We have students from high schools and our community is connected to Stanislaus. This may not occur in the classroom but we are connected to a vibrant community. We are around a population that is involved with all ages.

Clerk Davis shared the following new wording for the resolution.

*California State University Stanislaus  
17/AS/13/AS Resolution on Executive Order 1083,  
Mandatory Reporting of Child Abuse and Neglect  
Sense of the Senate*

*Be it Resolved: That the Academic Senate of California State University, Stanislaus direct our Statewide Academic Senators to request further guidance and information from the Chancellor's office regarding Executive Order 1083, Mandatory Reporting of Child Abuse and Neglect, and be it further*

*Resolved: That this resolution be shared with other California State University, Faculty Senates.*

Shimek said that a statewide conversation would be a good idea. We all have a responsibility when one sees or hears of child abuse or neglect and we should inform someone. He's doing his best to take these questions to the Chancellor's office to resolve the issue.

Peterson thinks it would be helpful to include how training would be provided and funded in the resolution. How long does the training take and how long does it last? If it's going to be a real requirement we want to do it right.

McGhee asked if this is only in our official capacity of our jobs or are we required to report what we see everywhere. Someone biking on campus, that's not part of our job. It's the entire package that he's concerned about. He doesn't like stuff that's interpreted by someone else and we're made responsible for it. The people involved in day care are covered by policy. It's a touchy area and he wants to make sure that it's clear and that it's followed.

Filling said that the SWAS agendas are full and he needs something to get this onto the agenda.

Results of the vote, 27 yes, 9 no, 1 abstention. The resolution passed.

- c. **Title 5 Changes to Baccalaureate Degrees (Marge Jaasma)**  
Deferred.

**9. Open Forum**

None.

**10. Adjournment**

4pm.