

<p>Academic Senate March 29, 2011</p> <p>Present: Akwabi-Ameyaw, Andrews, Baker, Bice, Burroughs, Davis, De Cocker, Espinoza, Eudey, Filling, Garcia, Grobner, Held, Hernandez, Jasek-Rysdahl, Keswick, Manrique, Marcell, Marshall, McCulley, McGhee, Mulder, Nagel, O'Brien, Pahal, Peterson, Petratos, Petrosky, Poole, Regalado, Rogers, Sarraille, Seong Soo Oh, Silverman, Stessman, Stone, Strahm, Provost Strong, Werling</p> <p>Proxies: Nancy Burroughs for Trystan Cotten, Chad Stessman for Michael Drake, Elaine Peterson for Mark Bender, Ed Hernandez for Al Petrosky.</p> <p>Guests: Lauren Byerly, Brian Duggan, Deans Bartell, Goodwin, McNeil, Moore, Nowak, and Tuedio, David Lindsay, Lynn Johnson, Gina Leguria, Elizabeth Breshears, AVPAA/ALO Kornuta, Dennis Shimek, Marge Jaasma, and President Shirvani.</p> <p>Isabel Silveira Pierce, Recording Secretary</p>	<p>3/AS/11/SEC/UEPC- Policy for Online and Technology Mediated (OTM) Courses and Programs (revised version) was returned to UEPC for additional revisions. This item will return to the Senate on April 26, 2011.</p> <hr/> <p>Next Academic Senate Meeting: Tuesday, April 12, 2011 2:00-4:00 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by: Betsy Eudey, Clerk</p>
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1. Call to order

2:04pm

2. Approval of Agenda

Approved as distributed.

3. Approval of Academic Senate Minutes of March 8, 2011

There were some modifications to Silverman's comments under the OTM discussion, and these were distributed via ASNET earlier today. I. Pierce will add to the upper corner of the first page the information on the resolutions from the 3/8/11 Senate meeting.

Regalado indicated that it is difficult to review some items without time to read them in advance. Approval of the 3/8/11 minutes will be deferred to the next meeting on April 12th.

4. Announcements

Jasek-Rysdahl announced the winners of the 2010-11 faculty awards. Samuel Regalado received the Research, Scholarship, and Creative Activity Award. Ovation for Senator Regalado. Mary Borba, Associate Professor of Literacy, received the Outstanding Professor award. Dr. Jennifer Helzer, Associate Professor of Geography, received the Outstanding Community Service Professor award. Renae Floyd, Psychological Counselor (SSP AAR), was selected for the Outstanding Service in Faculty Governance Award. Dr. Richard Wallace, Assistant Professor of Anthropology, and Dr. Marina Gerson, Assistant Professor of Biology, were both selected as the recipients for the Elizabeth Anne B. Papageorge Faculty Development award. Congratulations to all, ovation.

Jasek-Rysdahl accounted that at the last meeting there was a motion for SEC to make a resolution to suspend the CIS major. He's trying to contact CIS to make sure we get this right, and he's looking at past suspensions. He expects to bring this back at the April 26th Senate meeting.

Jasek-Rysdahl said that SEC will be looking at updates to the GF constitution. Most are editorial changes, but there is one significant change. He expects that this will come to the next Senate meeting. Please review these newest amendments as we'll be having a first and second reading and then it will go out to a full faculty vote. Strahm noted that CFA is holding a system-wide day to "take Class Action", throughout the entire CSU, to protect public higher education. The event is scheduled for April 13. From 11am-2pm there will be an opportunity to vent in the tent on the quad. We can record thoughts on what is happening to the state of education. There is also a gathering from 5:30-7:00pm and rally in the Amphitheater. There will be free parking, so tell community members to come to celebrate education and being educators.

Regalado announced that undergraduate and graduate students from the History Department were part of the Phi Alpha Theta conference last weekend. Two students won awards. This was part of a regional conference whose members include Stanford, Berkeley and UC Davis, and the Stanislaus students won second and third place prizes. This is the most recent of several awards won in the past few years, so hats off to them. It is his professional opinion that this could not have been achieved without the Individual Study courses utilized in the dept.

Regalado also noted that two students Ashley Briggs and Alicia Lewis won the James Madison Freedom of Information award from the prestigious society of American Journalists Organization for their activities in uncovering the information on Palingate from last year. These are our students who participated in this, and he hopes that others in the Academic Senate and the University will congratulate these students. It's his hope that something is put on the University website to celebrate this.

Duggan announced that on April 7, at 2pm and 3:30pm in the South Dining Room, Prof. Horacio Ferriz will present his recent experiences using a variety of technologies to enhance student learning and ADA accessibility in his courses. In his presentation, Prof. Ferriz will demonstrate tools such as regularly scheduled lecture capture (with captions), ad hoc Camtasia screencasts, and Skype-based office hours, and their intersection of technology and pedagogy. Faculty are invited to attend these presentations hosted by the Office of Information Technology. Light refreshments will be served.

O'Brien noted that in the minutes last time he wasn't here because he was at MJC. Went to MJC's Senate meeting in solidarity and to see how they would handle the budget cuts. They discussed their agenda items and were very collegial. One thing that came up repeatedly was the unhappiness with the lack of transparency and shared governance on their campus. We have FBAC and UBAC and he hopes that our potential reduction will be more transparent.

The guests with us today are Dennis Shimek, Marge Jaasma, Halyna Kornuta, Deans Moore, Nowak, Bartell, and Executive in Charge of CNS Thomas Carter. Also with us are Brian Duggan, Lauren Byerly, Elizabeth Breshears, Bret Carroll, and Mark Thompson.

5. Committee Reports/Questions

Jasek-Rysdahl noted that the TRPC update will come later in the agenda.

6. Action Items

a. Second Reading of 3/AS/11/SEC/UEPC- Policy for Online and Technology Mediated (OTM) Courses and Programs (revised version)

Stessman noted that UEPC looked at comments from the first reading and went through to look at specific

numbered items, especially changes to items 3.2 and 3.7 based upon suggestions. They also looked at this with respect to the definition of the words will, shall and must. Will means may, shall means must, and must means must but is potentially punitive. They spent a lot of time on this, so hopefully this will be acceptable.

Regalado applauds the work on the OTM policy and knows it takes lots of time and effort. As he mentioned at the last meeting this policy was brought to the attention of the History Dept., and they remain concerned about item 3.2. under Curriculum and Instruction. While there were good changes made to that provision, he hoped that there would be something stronger noted here. The way it reads now is that courses are offered in consultation with relevant departmental/college bodies, which still leaves it wide open. We know what we want. He suggests the statement read ***“online courses will be offered solely at the discretion of the department.”*** That's straightforward and best expresses the History department's opinion. It's hard to vote in favor of this policy unless something to that effect is included. We needed to read Silverman's short paragraph explaining the definition of the key words that describes the mustness.

Eudey had a similar reaction as Regalado to item 3.2. She likes that in the current version it indicates depts. will be involved when courses are offered, modified, or approved. Regalado's suggested wording only included the term “offered” and Eudey thinks all three terms should be included. She thinks that the statement should read ***“online courses will be offered, modified, or approved solely at the discretion of the department with consultation with program faculty.”*** The policy language about consultation with the dept. and college bodies is vague as it does not require consent.

Regalado further clarified that it should read by the department, and not the chair of department.

Strong asked if the concern is that online courses whether they be offered or not be solely at the discretion of the dept. or everything to do with online courses is solely at the discretion of the dept. Regalado noted that everything to do with online education is at the discretion of the dept.

Strong said for example, if a dept. decided to put out a course wouldn't the federal requirements for captioning be considered a requirement? If the dept. said they don't think it's relevant to the students and it's solely at our discretion according to policy, we won't have captioning or do it in a timely fashion. Couldn't we get ourselves in trouble with verbiage such as you're suggesting.

Regalado said there has not been history of the departments violating federal or state policies. You can expect that the depts. will act in a reasonable manner. We have committees that challenge professors or courses before we send anything out of the dept. The Provost's hypothetical is a reach.

Filling said that our depts. are as responsible for following the law as the deans are. The Provost's example has no substance.

Strahm adds that we do have college curriculum committees that when you propose or transform a course goes through a college committee, so at some point it has to be dealt with somewhere along the way by a college or university committee.

Sarraille thinks that unfortunately item 3.2 may leave a certain amount of ambiguity regarding what the process must be before an online or OTM course is implemented. Presumably each dept. will have a policy regarding how it decides to put a course online, and the university policy should express respect for that process. As he reads this, it does seem to leave open the possibility that an executive could force a dept. to put a course online after a token nod to observing consultation and allowing people to express an opinion as to what is going on.

Poole said in response to Strahm, if a course has already been approved, it would not go through the curriculum review processes if it's changed to an alternate delivery mode.

Dean Moore, in response to Sarraille's hypothetical, said that his hypothetical is a reach as well. All course development conversation is generated at the dept. level with faculty and without coercion. We have to clearly pay attention to enrollment. That evaluation is not just based on numbers, but needs of our students and the mission of the institution. We have to be concerned with enrollments but we are not advocating the development of programs that are not germane to the core of the University and the needs of our majors.

Regalado noted that they are asking for the authority to decide whether or not to offer online courses within the federal and state guidelines.

Sarraille wishes that it were a reach, but has direct experience with something close to the hypothetical he outlined. With respect to Poole, hypothetically or ideally, when you put a course online, it remains essentially the same course. However, this may not be possible. People may find it necessary to change the course in order to offer it online. This raises the question of whether we are assuring the continued quality and value of the course.

Poole said that the same thing happens with every course on campus. A course is proposed with a list of faculty who can teach it. If teachers change, the course isn't necessarily the same as on the proposal. She doesn't see any difference with regard to online or other courses. Courses are faculty dependent and there is a lot of variation in content based on who teaches them.

Nagel thinks that the ambiguity gives him pause personally, but he's only heard a couple of people speak to that. Are we voting this down because of concern by a few people about item 3.2? Will we pass this and trust that consultation will occur as we wish, or would we like to hear more from the senators?

Marcell asked if we are discussing potentially changing this before voting on this. Jasek-Rysdahl said we as a Senate cannot amend the policy on the floor. We can have an up or down vote. If voted no, it's likely it won't come back until next year, or we can table it to a date/time certain.

Marcell said that the very last six words lined out in item 3.2 may be worthy of reinstating, "***follow existing college and University policies***". This makes sure it meets the basic standards. He would encourage tabling this to correct item 3.2 in the OTM policy.

Pahal agrees to table the OTM policy so we can get this done this semester, but he is also concerned with the vagueness of the policy. He'd like to see it clarified with more departmental say and approval. Faculty teaching this should have more to say. He thinks that those who know the information should have more say in the quality of information. He has taken online courses elsewhere that has been watered down, and he's taking one here now with high quality. He's not sure if it's because faculty here are involved more, but he thinks it should be tabled and rewritten so that depts. and faculty have more say in it.

McGhee thinks we need to keep in mind that the landscape is changing in higher education based on attacks on what occurs in the classroom, and based on budget. In the future, we need to be more concerned about the language that allows choices to be made with or without the consent of faculty. Language used may be critical for any institution. We need to be comfortable with what is developed here to protect what could be done in the future with regard to budget cuts and things dictated from above.

Filling said that in his college since late 2008, it is indicated that courses shifting to mediated instruction must go through curriculum committees. He thinks this is something other colleges should consider.

Moore agreed with Sarraille's comments about what can happen to courses when they convert from face-to-face to online. He has delivered courses both ways on this campus and the transition is not seamless as the delivery constructs are very different. Lots of planning must go into place for online instruction. His concern is that the University has not adequately reviewed what online course and program delivery should look like for Stanislaus before a policy is put into place — and in a way we need to take a step back. Unless he's missed it, we have not addressed university-wide, what online education should be about specific to this institution (how we should go about developing it long term and in what ways it can be unique, underscoring existing strengths. We have some programs from OIT, and those are clearly helpful, but he doesn't believe that we addressed the impact of online education across the institution. Typically when an institution is looking at things like this they take the time to evaluate the process, looking at the institution historically and investing in new technology that will enhance what we do in a special way here. Maybe that's something we can explore as we develop new policies.

O'Brien doesn't like the options of voting for or against the resolution, which means we can't touch the OTM policy. Many issues have been raised and they're all good ones. He made a motion to table this item for the next meeting. Jasek-Rysdahl noted that the next UEPC meeting will not occur in time for the next Senate meeting, so this item will need to be on the agenda for the April 26th Senate meeting. Sarraille seconded. Passed by voice vote.

Jasek-Rysdahl asked if there were other issues to address.

Carter said that there are a few orthogonal issues. One is an issue of the quality of the course, and that is largely addressed in items 3.1. and 3.2, to his reading, deals with other questions in the universe – the notion of someone who invents a new program or course and starts offering it. There have been stories that this has occurred elsewhere and this is a way to have programs control this. Another issue is that a faculty member develops an online course, perhaps an adjunct professor, and when they leave the university gets the intellectual property rights to the course and offers it on its own. Carter thinks that item 3.2 is not about quality, but ownership.

Duggan noted that the Technology & Learning Subcommittee looked at the language at seven other CSUs who have the same concerns and they used these bullet points. The original language for item 3.2 was taken from San Diego State University policy that has been in effect for several years. This wasn't fabricated, but taken from other campuses with policies.

Tuedio noted that item 3.7 stipulates that class size should be “consistent” with existing course caps but also recognizes that caps should be set with sensitivity to mode of interaction. Some faculty in his college believe that their larger face-to-face classes should have lower caps when taught online. If this OTM policy is telling them their class max needs to be consistent with face-to-face course caps, this might be inconsistent with the call to set caps with sensitivity to mode of interaction.

Marcell asked if we can get electronic copies of this. It was noted that the policy was distributed via email to senators.

Filling noted that item 3.7 in the OTM policy is not going above course caps as opposed to not being at course caps.

Thompson indicated that the issue of intellectual property is covered in separate policy. Chairs, programs, or

the university have no rights to a faculty member's intellectual property for any course the faculty member has developed unless the faculty member has agreed to license or share rights under a formal agreement.

Dean Moore noted that in item 3.7 the class size and faculty workload will be determined by the dept. chair after consultation of the faculty. It reads as though the dept. chair will make the final decision which seems a bit out of step with faculty working together to determine what is appropriate for all courses. Additionally workload reports must be signed by the dept. chair and the dean.

Regalado asked Tuedio to clarify his point on item 3.7 on class size.

Tuedio wasn't speaking about a situation where there might be pressure to exceed existing course caps, because the policy as written seems to protect against this. Others have raised this point as well through the recent grievance regarding workload and excessive enrollment caps. His comments question whether it would ever be appropriate under this policy for an online course to have a lower course cap than when faculty are teaching the course face-to-face. What if the course is approved for a class max of 50 students in its face-to-face form but the online approach to the course calls for an interaction platform limited to 30 students? Statement 3.7 says we need to be "consistent" with existing course caps; he's not sure how that stipulation would be applied in a case like this.

Sarraille thinks that UEPC should look at item 3.7 and should consult with CBA to get some wording about how the instructional assignment will be determined for individual faculty members. This should be reflected in the policy.

Strong said that relative to Tuedio's comments, the word "and" must be taken into consideration. This will relate to the need if the regular course cap is 40 or 30.

Jasek-Rysdahl noted if something occurs to you, send it to Chad Stessman or Randi Esau. This item will be on the April 26th agenda for second reading.

7. Discussion Items

a. Faculty Governance (materials distributed at the meeting)

Jasek-Rysdahl distributed three letters. This item is related to an incident that occurred after the last Senate meeting on March 8th. Soon after the last Senate meeting a number of people contacted Jasek-Rysdahl about an exchange they witnessed between President Shirvani and Senator Pahal. The description of what happened differed some, but the core issue was that President Shirvani was upset about comments made by Pahal during the Senate meeting. President Shirvani approached Pahal after the meeting to voice his displeasure about those comments.

Jasek-Rysdahl talked with Pahal after the meeting, and it was clear that Pahal was upset by the incident. As Jasek-Rysdahl thought about it, he felt a responsibility as Speaker to take action. Jasek-Rysdahl also heard from several people who shared their descriptions of what occurred, so he drafted a letter to send to members of SEC. The members of SEC offered suggestions for the letter and indicated that since the letter was going to the President Shirvani that it shouldn't just come from the Speaker. SEC members signed onto the letter along with several past Speakers of the Senate. He showed the letter to Senator Pahal who was fine with its content.

Jasek-Rysdahl sent the letter to the President on Wednesday, March 9th. While disagreements are expected, even angry disagreements which we've had in the Senate; there are appropriate ways to voice these disagreements. The way we talk to one another can impact the willingness of others to speak. When that happens we all lose. There are many threats to open discussion of ideas and they need to be responded to.

We live in a tense environment on this campus, and we are trying to do as well we can given the circumstances. He leaves this open for discussion as the Speaker's task was to editorialize as little as possible. Discussion is open to people's comments about the following 3 letters.

March 9, 2011

President Shirvani,

It has come to our attention that you approached a member of the Academic Senate, Senator Pahal, after the AS meeting on Tuesday, March 8, 2011. Based on the information we have, you verbally chastised that senator for comments the senator made during the Senate meeting. We have a number of reports indicating that you acted in a threatening and intimidating manner.

These actions are inappropriate and will have a chilling effect on all efforts to build trust at this campus. Such actions toward the senator would also indicate that one is at risk when speaking in your presence.

The Senate has procedures to follow when an individual disagrees with comments that have been made during a meeting. It is critical that all members of the Senate and guests use those procedures so that there is open dialogue regarding issues.

SEC will be discussing this incident at its next meeting and we do expect that it will be taken up by the full Academic Senate at its next meeting.

Members of the Senate Executive Committee

Kelvin Jasek-Rysdahl, Speaker of the Faculty

Koni Stone, Speaker-Elect

Betsy Eudey, Clerk

Kurt Baker, Faculty Affairs Committee Chair

Dawn Poole, Graduate Council Chair

Chad Stessman, University Education Policies Committee Chair

John Sarraille, Faculty Budget Advisory Committee Chair

Steven Filling, Statewide Academic Senator

Paul O'Brien, Statewide Academic Senator

Past Speakers of the Faculty

Steven Filling, Speaker of the Faculty, 2009-2010

Mark Thompson, Speaker of the Faculty, 2008-2009

Lynn Johnson, Speaker of the Faculty, 2007-2008

John Sarraille, Speaker of the Faculty, 2006-2007

Alfred Petrosky, Speaker of the Faculty, 2005-2006

Cc: J. Strong, D. Shimek, K. Stone, I. Pahal



CALIFORNIA STATE UNIVERSITY, STANISLAUS

OFFICE OF THE PRESIDENT

March 11, 2011

Dr. Kelvin Jasek-Rysdahl
Speaker of the Faculty
California State University, Stanislaus

Dear Speaker Jasek-Rysdahl,

We would like to take this opportunity to respond to your email concerning the March 8th Academic Senate meeting. In your email you addressed an exchange between the two of us that occurred after the meeting. Let us bring you up to date.

Following the Academic Senate meeting this past Tuesday, I (Inner Pahal) had expressed my concerns to President Shirvani over the unfortunate circumstances in which my remarks over the proposed Campus Food Policy may have been taken out of context. Having met with the President, I feel President Shirvani has acknowledged and accepted my clarification and intentions on this subject.

I would also like to state that I do not agree with the characterization that the President acted in a "threatening manner;" however, I have pointed out to the President that his demeanor concerned and disappointed me. It is my goal to have a positive working relationship with President Shirvani. His conduct at that moment caused me concern. However, I feel the exchange President Shirvani and I had at the ASI Senate meeting, and my meeting with him one-on-one, is a reflection of the kind of relationship and dialog we can and should have. Having said this, I feel comfortable we were able to fully resolve this issue.

I (President Shirvani) understand the concerns and disappointment expressed by Inner regarding my demeanor after the Academic Senate meeting. I agree with Inner that we were able to better discuss the issues at the subsequent ASI meeting, and believe we have an understanding of the extensive consultation that the administration engaged in with ASI regarding the Campus Food Policy.

Both of us wish to convey that we, as Presidents, have the ability to discuss any matter of mutual concern, or differences, and are comfortable that we have resolved this issue between us.

We both wish to convey to the Academic Senate our regrets that this incident occurred following the Senate meeting and caused the Senate to be concerned, as expressed in your memo of March 8.

We also want to convey to the Academic Senate that we believe our resolution to this matter addresses the concerns you have expressed.

Sincerely,

Handwritten signature of Inner Pahal in blue ink.

Inner Pahal
Senator and ASI President

Handwritten signature of Ham Shirvani in blue ink.

Ham Shirvani
President

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CALIFORNIA STATE UNIVERSITY, STANISLAUS

OFFICE OF THE PRESIDENT

March 11, 2011

Dr. Kelvin Jasek-Rysdahl
Speaker of the Faculty
California State University, Stanislaus

Dear Speaker Jasek-Rysdahl,

In addition to the joint letter that Senator and ASI President Inner Pahal and I sent to you earlier today, I wish to personally convey my regrets for the incident that occurred following the Academic Senate meeting. The joint letter was intended to convey to you that Senator Pahal and I have resolved any issues that arose as a result of our conversation on Tuesday.

Although referred to in the joint letter, let me speak directly to the issue you have raised in your March 9 letter. Under no circumstances would I want the interaction that occurred after the Academic Senate meeting to cause anyone, let alone other Senators, to feel discouraged or to otherwise have a chilling effect on their ability, or desire, to make presentations at Senate meetings. To the contrary, I encourage, welcome, and expect a full and open discussion of issues at all meetings, whether I am in attendance or not.

Again, please accept my regrets, which I offer in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read "Ham Shirvani".

Ham Shirvani
President

Regalado read the following statement:

Mr. Speaker, I'd like to suggest that the Trust Restoration Planning Committee, section where "proposals to be addressed" needs to be revisited so as to seek input on the president's behavior as a factor of his leadership skills.

I learned in Psychology 101, "Tensions" generally begin with behavior and bad behavior ultimately undermines communications and trust, itself.

I say this because two weeks ago when, moments after we adjourned, President Shirvani cornered the ASI president and aggressively berated him on an issue the student had legitimately addressed during our "Open Forum" segment.

What I, and a few others saw, was a university president out of control and acting in a manner befitting a town bully. This outburst, and apparent tactic, was the latest of several which first came to my attention in 2006 and has continued since then in various forums. Last year, you might recall, the president's administrative team publically demeaned the faculty. A few months later, during the infamous so-called "Sarah Gate" affair, he openly criticized two students, effectively calling them thieves, when they uncovered information that had undermined his previous claims. And there are countless other stories of his treatment of our staff colleagues.

I think that the Ad Hoc Trust Committee has a responsibility to address this matter and I propose that input be sought in the form of a poll to include faculty, staff, and student representatives in ASI. The question asked should be this: "Do you respect President Shirvani as the leader of our university?"—followed by a one sentence qualifier. Like our teaching evaluations, the anonymity of the participants should be assured. I'd also like to see the Academic Senate issue an official "Rebuke" of the March 15 incident, one indicative of his disdain for the process of faculty governance and civility towards those who dare question his positions.

Reasonable people can have no discourse with unreasonable people who act with hostility. Moreover, if we ignore his inappropriate behavior, then what does that say about us? Students and staff do not have the kind of voice that we have on these sensitive matters, and I think we owe it to them to openly challenge what is clearly wrong. Staff members and student leaders, along with faculty, have opinions on the president's mannerisms and have felt his wrath. I say give them a voice on this matter and make the results public. If we do not, then, Mr. Speaker, I submit, we become part of the very problem that we look to solve.

Regalado is accompanied by his dept. chair who may want to add to this statement.

Carroll thinks it's important that the Senate address this. It's a matter for the Senate, and it's not just about our President and the person he conversed with after the meeting. As Regalado noted what happened can and should be seen as a direct insult to the Senate and what it represents. Even if it occurred after adjournment, it is just as important to note it was in direct response to a Senate discussion. This happened to an elected senator, and in sight of other senators. The President's ability to not ask the question on the Senate floor only shows disrespect for governance processes. This is part of a pattern that elicited no confidence and is a WASC concern. The Senate should and must address this, and the TRPC must include this in their report to WASC.

Dean Moore noted that there are three letters, one from the Speaker, one from President Shirvani and another from the President and Pahal written jointly. This is the first time he's seeing this information. The third paragraph of the joint letter speaks directly to the issues being discussed. We should be sure to give that (letter and specific paragraph) as much attention and consideration as the other information that has been addressed today regarding this situation.

Shimek agrees that a full reading of all three letters provides a perspective on what occurred. The President's acknowledged what occurred, that there was a mistake, and he offered an apology to the senator and Senate. It's important to look at the full context, and he would like to believe that anyone who makes a mistake and offers an apology would be understood and accepted.

Eudey asked if there was a motion. She clarified that Regalado made some statements about the things the Senate might do in response, but she is not sure if it was a specific motion.

Regalado was making a call to TRPC, but not a direct motion.

Garcia appreciates the call to look at the three letters in context, and thinks that's important. This is the first that he has read the three letters and is trying to wrap his mind around these letters. He appreciates the individual response from the President apologizing to the Senate, but the joint letter between the President and Pahal is the one that concerns him the most because a point is being missed. In the joint letter, it indicates that both parties are indicating regret, but there should be only one party indicating regret. If a senator says something that is incorrect, there is a process by which one can raise the issue on the floor and not a process where it occurs elsewhere. The discussion should occur on the Senate floor. The joint letter is particularly problematic.

Regalado reminded Shimek and Dean Moore that this is not about one thing. This is not a single incident but a series of them, and it is a matter of principle that we address the President's inappropriate behavior and it is a matter of right and wrong.

Pahal said that he appreciates the concern. He did meet with the President, and they spoke of the unfortunate incident. The incident concerned and troubled him. The President apologized directly to Inner and he accepted the apology. They both discussed what was said during the meeting and what led up to it, and they were both comfortable with the outcome. Inner discussed this with the President and is comfortable with where it is now. Where you go now with this is the body's choice, but he's okay leaving it where it is now.

Carroll thinks it's gracious the way Pahal has handled this, and he deserves credit for this. He seconds Garcia's comment on the letter from the two parties. He thinks of the American Revolution where the US and British signed a treaty without consulting Native Americans. This is not just about two parties. The fact that the Speaker got involved suggests as much. It's about all of us. This is not just a mistake, but the latest in a series of mistakes. Carroll, like Pahal, was on the receiving end of one of these outbursts, and also got an apology but the bad behavior continues. He hasn't seen any change after these incidents.

Eudey said that this issue is noted as faculty governance intentionally because SEC saw this as issue of governance and is not an isolated situation between the President and Pahal. People on this campus have experienced backlash behavior which has a silencing effect on people. It prevents people from speaking out and not trust the governing purposes of the Senate. The reason to discuss this is bigger than the 1 incident. People reported feeling silenced because the President's presence is not a common presence at the Senate. Some felt that the President was here only for particular topic. There are concerns of Senators being fearful of engaging in discourse due to possible personal attacks. This has occurred over time, and people on

campus serving as consultants tried to mediate but there has been some recurrence. She's not sure if there is a particular response that this body has, but it's important to have conversations of ways to treat each other in this room and outside this room which has impacts on decisions being made. We may get comfortable with an apology and move on or we may decide to do something more specific. We need to continually check in with ourselves for times when the process is not working and try to make it work better. It's necessary for SEC to respond to the situation that occurred. She agrees with Regalado that TRPC needs to continue to work on this issue. Personally, she preferred that we could receive a direct comment from the President outside of a letter. We must see it as our issue and not a private issue between these two people.

Thompson believes the discussion presents this as a dichotomy of stopping with an apology or a rebuke mentioned by Regalado. There are other possibilities. If the Senate thinks this is part of a pattern it would be important for WASC to know about, accepting an apology would still allow for documenting what occurred. O'Brien noted that these documents should be part of the WASC report.

Kofi Akwabi-Ameyaw normally wouldn't take this too seriously and can appreciate the response by Pahal, but with regards to the second letter, why was this jointly written? Who called who, and who proposed this letter that is from the President and Senator Pahal. It is written on the President's official letterhead, and signed by him and Pahal. Akwabi-Ameyaw came to the campus when President John Moore and also was here when Marvalene Hughes was our President. He's been through a tenure of presidents, and has never seen anything like this happen. He's never had this said about a President. He's not saying that the other presidents were better, but this confrontation he doesn't think does well for any of us. It's scary. We need to do whatever we have to do to curtail such behavior in a public forum like the Senate.

Strong thinks we should respect the wishes of the two senators involved and accept the apology. He suggested that the WASC concerns are with leadership and governance, and the tensions between upper administration and the faculty, and ascribes no blame to the tensions. There is danger in making this incident into a larger problem than what it is. The people involved resolved this to their mutual satisfaction. He witnessed the incident and knows a little bit about what happened.

Pahal said that he and the ASI Executives discussed it, and the President wrote what he did. They met and discussed the letter. He knew what they wanted to put in the letter, and he met with the Executives about what to write. This wasn't something that was handed to him. They had a meeting and agreed to write a joint letter. They clarified the points, and Inner had a chance to talk about each of their points.

Regalado said that if we accept Provost Strong's suggestion to limit the parameters of the discussion to the issues at hand, TRPC has bigger problems than he was aware of. He emphasized that a poll can be taken, similar to ones taken on other issues. He emphatically encourages SEC to encourage and include staff input and do it in a means where they can give anonymous input as is done in teaching evaluations. Staff will have some opinions on the President's behavior and they are an essential part of the university community.

Carroll appreciates the Provost's position of forgive and forget, but is not sure this is the occasion for it. He's not convinced there were just two parties involved. He'd like to hear a case for the position that the Senate was not involved. An insult to one senator is an insult to all senators and the Senate itself. The Provost's position may amount to making a molehill out of a mountain.

Filling shared story about an incident in Long Beach. SWAS held a plenary session two weeks ago, one of the guests was Chancellor Reed. Filling noted that Senator O'Brien is one of the most gentle and courteous persons he's met and that he is sure that opinion is shared widely on our campus. When Senator O'Brien attempted to ask Chancellor Reed a question he began by remarking that the body was pleased to see the Chancellor, that we knew he was busy and that we hadn't seen him for a while, Chancellor Reed interrupted

O'Brien quite angrily, stating among other things that, "You can't say that I don't work! I haven't had a day off since the second week of January!" The Chancellor went on at some length before O'Brien was able to ask his question. Filling stated that this incident has parallels to the incident on our campus which Senate is discussing and that he is proud of our SEC and Academic Senate for their response to the President's intemperate outburst. At SWAS the Executive Committee and the entire SWAS body sat and did nothing about the Chancellor's behavior. It's very important that we react and be public about behavior we think is objectionable as that is how behavior changes. Filling thanked O'Brien for trying to interact collegially with the Chancellor.

Petratos said that when he started working here this university was different. It was very fostering and protective of students, faculty and education. It's not only happening here, as he can see it is happening throughout California. People are becoming very aggressive which may not be effective in higher education. He wonders to what end is all of this.

Jasek-Rysdahl said that we have not gotten many concrete suggestions. Regalado offered a few. Garcia said that he needed time to read these letters. Jasek-Rysdahl wanted to wait to distribute the letters after we had some context. Perhaps we can keep this on as a discussion item for the next meeting, give time to think and talk about it, and then address it next time.

O'Brien pointed out that Filling and O'Brien sent out their SWAS report at noon today. There were a couple of interesting resolutions that passed that we should do something about. SWAS condemned the suspension of the Senate at Idaho State University. This resolution was supported by several committees of SWAS. The Academic Senate at the Idaho State University campus raised issues that the Governor didn't like, so he abolished it. O'Brien thinks we should have a campus statement in support of the faculty of the Faculty Senate in Idaho.

Jasek-Rysdahl handed turkey leg to Stone. He said dealing this kind of stuff is what makes this job less enjoyable but makes it more important to have people doing this job. We are trying to put a ballot together, and have no speaker-elect. This is why we have to have people in this position. We have Idaho that lost its Senate; the faculty voice has to be out there. If you have been asked and declined, or told him he's insane for asking, while this isn't the enjoyable part of it, it's necessary.

b. WASC Special Visit Report (materials to be forwarded prior to meeting)

Jasek-Rysdahl distributed a one-page document. This is something that SEC has been working on with administration. The WASC team in the fall needs research to be conducted related to trust, leadership and governance. The proposal is to put together a team that would do the research and would prepare for that visit. The key parts are what are the research questions or issues that the team would address, the membership of the team, and what the team is charged with doing. We bring it here for input and reaction.

Garcia asked if there is a budget to go along with the WASC Research team duties. Jasek-Rysdahl said that some resources will be available, but he's not sure what it is. At this late point in order to recruit faculty, its one area he was interested in there being a budget for. The Provost said we would have a budget. Strong said that he is supportive of a budget associated with working on WASC to support the faculty and others who would participate.

Jasek-Rysdahl said that the timeline is short for this, so if there are no more comments we will continue to pursue faculty to serve on the WASC research team.

Garcia clarified that this reminds him of another committee. Is the document that comes from this process the document that will speak to WASC or are there other documents and other reports that you see all

coming together that this is our response to WASC. Jasek-Rysdahl said that his understanding is that this committee will conduct research, and if there are other documents that you think should be included they would be.

Garcia is wondering if there could be competing reports with one report being the reality while someone else writes something that is a different reality. He understands that there may be multiple sources in this document, but he wonders if there might be multiple answers.

Jasek-Rysdahl said that the document indicates “the special visit report”, which suggests this is the one document. To him this is “the report”, but he can’t say that others can’t write other reports.

Provost Strong said there is a specific procedure and expectation from WASC for the report. In the report, different views can be reflected and we can ask H. Kornuta about this. WASC won’t accept multiple reports from the campus, as that would be unusual. Kornuta said they will accept one report, and there are attachments as part of the report, but one voice from the campus.

Poole noted that the timeline didn’t give faculty groups time to read the report and comment on it, and the committee hasn’t been constituted yet. A lot happens over the summer according to the timeline, and the visit happens in September. Once fall starts there is not a lot of time for review. There was some discussion with the Provost that if a rebuttal were written by faculty groups/committees these documents might be given to WASC when they came to town. There may be opportunities for alternate perspectives to be given. Jasek-Rysdahl noted that there will be an anonymous email, meetings on campus, and times of alternatives.

Filling tried a different tact. Is it reasonable to ask those on the WASC Research committee that they not send out a report without everyone’s agreement no matter how grudging that agreement may be. Jasek-Rysdahl said we don’t have the people selected yet. Filling indicated that the six members should all agree to the content of the report.

Kornuta noted that one report is the ultimate that we would want to achieve, and for the people who will work with her to write what is needed in a short amount of time might be a challenge. When writing a report, we all have good intentions and purposes and try to be clear, but we also have to let it go at some point, as we did with our dissertations. Part of our purpose is not only to answer questions for WASC, but to show that we have made progress and that there is a commitment to continue. We have an ad hoc TRPC who have given us recommendations and a plan to continue for the future. She knows that there is a commitment, but whether we can achieve consensus in the timeframe may be difficult.

Filling didn’t hear a yes; he heard lots of clarification, so he’s interpreted that as a no.

Marcell said if a drop dead date is August 3, are you looking for us to solicit volunteers, and are there people chosen already. Jasek-Rysdahl noted we would love volunteers. COC and SEC will recruit the two faculty members, sooner rather than later. This will go to COC.

Regalado is concerned that in the time between putting together the report to WASC, if the President has another meltdown, it may not be reported to WASC.

Jasek-Rysdahl said that the WASC Site team will create their timeline. After August 3rd the report will go to the special visit team. They will come to campus; there was email for a period before the visit and avenues for people to provide information to the special visit team. Regalado is concerned that in the time between putting together the report to WASC, what occurs two days after might not be included. It might be important to provide additional information.

Thompson asked what the composition of the committee is. Jasek-Rysdahl said that it's the AVP/AA, a faculty co-chair, one SEC member, one faculty at large, one dean, and an administrator. Thompson said that WASC in setting the visit date might have assumed a rapid response to the leadership issue similar to other issues they have asked the campus to address. He wondered how immovable that date is and if we could defer the visit till later in the fall. With the delayed response in addressing the issue, the scheduled date for the visit is now going to short circuit consultation. It's ironic that we are in the position that we have a date that will harm the process we're working on.

Kornuta thinks it's a date set for WASC in mind of moving forward and for us to ask for a change at this time would not be considered by WASC. This is a process, and while there is a short time-frame, the report is to be reflective from the time of the visit that occurred a year ago, through the summer and fall. Most importantly, this is a report to indicate ideas and strategies for moving forward or processes that the writing team see as important. This is a snapshot in time. We need to put forward this report to the team to show what has happened before this point in time that we can report on and an indication as to how we want to move forward into the future.

Eudey said that SEC had the same concern and hoped to move the date to allow time for the Senate to review the report before it is submitted to WASC. The last CPR visits we had were several months ago, and we have a site visit this time in several weeks. There is less lag between report writing and the visit. During the last two visits, what they wanted to see was what occurred between the gaps. The expectation is that they will want to know what happened since the report was written. They're looking for hopefully positive changes etc. We're being asked to have this drafted at a time where the majority of faculty will not be on contract. We may need to make special efforts to spend a couple of hours on this if we want our voices included. This timeline is unfortunate given faculty contracts, but we have an obligation to ourselves and our institution that this report reflects us correctly. We didn't choose those dates and this document will not be written in completed form before we leave for break. We need to find ways to engage in the process before we leave campus. We may hear from the committee and should participate in something that is essential to us. She doesn't like the deadlines either.

Provost Strong has a commitment that the report will have the integrity to speak to the issue Filling is raising. He's not sure how the team will decide, but is sure that they will have consensus as to the report. If someone has significant concerns then there will be efforts to make the report fair and reasonable and have academic integrity. He will do all he can to make the report available to faculty. If faculty have left for the semester they will speak with AS and SEC about how to go about accommodating the points that Eudey is making. We will do all that is reasonable to support the team to get the work done. If they need more time in the end we will do so. This is a snapshot in time. We've accomplished a lot, and had a lot of preliminary work that needed to be done that was appropriate, useful and substantial. It may not look substantial but he believes it is. He thinks that WASC will look at the progress made. The report will reflect the perspective related to leadership and governance and what needs to happen is a good approach.

Tuedio wanted to comment regarding Thompson's suggestion. We have been working most of the year on the issue WASC put on our plate. This report will be a reflective snapshot of what we think we've accomplished in the process. It needs to be an honest and accurate sizing up of this; and while we haven't resolved all our issues, he sees no basis for extending the WASC deadline. He thanks WASC for putting a timeline to the process because this has forced us to address these issues without putting them off. He believes everyone should be encouraged to share assessments and reflections when given an opportunity to do so, and he hopes the committee's report will reflect both the collective efforts put forth over the past year and the challenges still facing us in regard to shared governance.

Thompson believes there is a clear basis for extending: to have more time for consultation on the report itself. He thought the response to his query was that WASC would not consider a later date. Has WASC even been queried about moving the visit to later in the fall, or are we reluctant to make that inquiry?

Dean Moore clarified that Aug 3rd the report goes to WASC. Correct.

Garcia said we must give as much attention to the research as to the report. The research is problematic for the timeline. It's in the hands of this committee to make sure they created a research process that can collect quality data that can be put into the report. We need not only faculty available to review the report, but all the people who need to provide data to the team available so that we can get this authentic snapshot that we're looking for.

Strong said that in Sept. we had discussions with WASC about the date and they made it clear in a follow up letter that the date was set and they would not be looking to change it. They recruited folks for the WASC team and got a lead for the team, so he thinks they have already spoken on it and changing the date is not feasible.

Eudey encouraged the Senate to continue this item as a discussion item for ongoing updates and progress. Jasek-Rysdahl understands that there will be reports and announcements, and the site visit team has put in their charge to consult with faculty.

c. Trust Restoration Planning Committee Charge (memo dated 10/26/10)

Jasek-Rysdahl noted that the TRPC meets regularly. Members are Stone, Strong, Shimek, and Jasek-Rysdahl. They are charged to bring specific recommendations. The following is the first draft of recommendations, which he distributed.

Recommendations of the Trust Restoration Planning Committee

The members of the Trust Restoration Planning Committee are the Speaker, Speaker-elect, Provost/VP of Academic Affairs, and VP of Human Resources and Faculty Affairs. We have been meeting on a regular basis since the committee was created.

Recommendation 1

The TRPC should continue to meet to address issues of trust, leadership and governance.

The TRPC should continue to meet with a slightly different charge. Specifically, TRPC will be charged to:

- Have regular, ongoing, face-to-face interaction
- Identify areas of conflict
- Discuss concerns regarding university issues.
- Continue to develop ways to address issues of trust, leadership, and governance

Rationale:

The committee has worked hard to increase communication between faculty governance and upper administration. One benefit of this is that faculty and administrators have been able to address issues directly as issues have come up. While there has been more communication and the group has been able to address some issues, much more work needs to be completed.

Recommendation 2

The Speaker of the Faculty or Speaker-elect will be added as a member to the Foundation Board.

Rationale:

The Speaker of the Faculty used to be a member of the Foundation Board. Membership of the Foundation Board has changed in recent years, removing the Speaker from membership. Adding the Speaker to the Foundation would

mean that the person entrusted to be the voice of the faculty is representing the faculty at these meetings. It would be a strong signal that the voice of the faculty matters.

Recommendation 3

Work with faculty governance on University Extended Education policies regarding special programs and special sessions.

Rationale:

University Extended Education is an area of great importance for all at the university. It is also an area where there are many concerns and issues. We need better policies as more emphasis is being put on revenue generation in special sessions. There does not seem to be much policy regarding special sessions making it appear that things are just being made up as we go along.

Jasek-Rysdahl noted that the Senate needs to look at these, give feedback, and ask questions via email or other means. We don't have time right now for context, but the survey from early in the year has been an important tool. We need more communication and consultation between faculty leadership and senior administration. If we look at the principles of shared governance, it includes regular face-to-face interactions. Some specific recommendations that came through the survey and other interactions. Hopefully, you'll see some issues addressed. He realized that this body is just receiving this now, and it's not an action item, but something for which he wants reactions to.

Shimek thinks this represents another step to really address for him many of the things he read in the survey. The survey identified many items of concern to the faculty over a long period of time. This is not an exhaustive list that they might ultimately put together as recommendations. They attempted to look at immediate priorities that would demonstrate that we can have trust in the committee and that it's being responsive to the charge. He's feeling positive and optimistic about the work of the TRPC.

Jasek-Rysdahl said a difficulty with the document is that the committee isn't charged with solving the problems, but to recommend a process for solving them. It's not our job to fix it, but here are key areas that need to be addressed. Some have specific recommendations, but it's mostly process.

Pahal asked if WASC will meet with students. He asked what the process was for selecting students. Pahal noted that obviously ASI should be involved, ASI Senators and the student body at large. If a selection process is done, he hopes that ASI will take the lead in it since they represent each college and can recruit students to participate. He's concerned that it represents all of the students. Eudey noted that there is usually an open forum, and that WASC often indicates a list of folks they want to meet with. Pahal needs to contact Halyna Kornuta about this.

8. Open Forum

Nagel sent out a Senate report to his dept. and asked if anyone had concerns about the tree removal on campus. Although, this is not a Senate issue per se, the tree removal seems to have gotten a few people quite upset. He wonders if faculty who represent our needs on the Facilities committee could have a better mechanism for communication with the Academic Senate so we have a means to discuss these issues. Many are upset about the cutting down of Mulberry trees.

O'Brien added that in addition to students being included in the WASC visit, that staff should also be included. Kornuta said there was a survey in the fall that was the basis of the ad hoc committee for building for the future and recommendations. Incorporating that research into the report will be valuable. WASC will be looking at what else we will do, so future research information can be included in the report.

9. Adjournment

4:00pm