

<p>Academic Senate April 12, 2011</p> <p>Present: Akwabi-Ameyaw, Andrews, Baker, Bice, Burroughs, Davis, De Cocker, Espinoza, Eudey, Filling, Garcia, Grobner, Held, Jasek-Rysdahl, Keswick, Manrique, Marcell, Marshall, McCulley, McGhee, Mulder, Nagel, O'Brien, Pahal, Petratos, Petrosky, Poole, Regalado, Rogers, Sarraille, Seong Soo Oh, Silverman, Stessman, Stone, Strahm, Strong, Werling</p> <p>Proxies: Chad Stessman for Michael Drake, Eric Karlstrom for Richard Wallace, Ed Erickson for Mark Bender and for Elaine Peterson, Nancy Burroughs for Trystan Cotten.</p> <p>Guests: Ashour Badal, Diana Bowman, Gabe Bolton, Lauren Byerly, Brian Duggan, Brett Carroll, Thomas Carter, Bartell, Dean Moore, Dennis Shimek, Marge Jaasma, Ron Nobel, Halyna Kornuta, and Russ Giambelluca.</p> <p>Isabel Silveira Pierce, Recording Secretary</p>	<p>UBAC REPORT</p> <p>4/AS/11/FAC/SEC—Editorial Amendments to the GF Constitution, FIRST READING ITEM</p> <p>5/AS/11/Athletics/FAC—Amendment to Article V, Section 2.0 of the GF Constitution (adding coach rep), FIRST READING ITEM</p> <p>7/AS/11/Regalado/Carroll—Motion of Censure Resolution President Shirvani, FIRST READING</p> <p>DISCUSSION ITEM: Faculty Governance</p> <p>DISCUSSION ITEM: Trust Restoration Planning Committee</p> <p>DISCUSSION ITEM: GE Goals</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>Tuesday, April 26, 2011 2:00-4:00 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by:</p> <p>Betsy Eudey, Clerk</p>
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1. **Call to order**  
2:05pm
  2. **Approval of Agenda**  
Approved as offered.
  3. **Approval of Academic Senate Minutes of March 8, 2011 and March 29, 2011**  
Two sets of minutes were approved.
  4. **Announcements**  
Eudey shared that we are approaching the deadline to order books for the fall term. The early deadline is for 2 reasons; to make copies accessible for students with special needs and to comply with the Federal law that requires books to be available at the time students are registering for classes. Please do your best to get your book orders in by the deadline to meet regulations.
- More information will be sent out for an upcoming event on affordable learning solutions and initiatives. There will be a website called E-Text Books available to students. This is coming from the Chancellor's Office to lower cost of books for students. This is related to our campus having funds to support development of affordable options for students. We're working with the Library to offer this as online supplement readers. We will see a call for participation soon.
- Strahm announced that from 11-2pm, on April 13th there will be a petition to sign and free pizza. There will also be a video camera available if you want to talk on video about what education means to you. The purpose of April 13<sup>th</sup> Take Class Action is to support faculty and staff who are bargaining for fair contracts, looking for no more job losses, want to support laws for transparency, gain funds from oil extraction, and

keep money where the students are. We hope to see you in quad from 11-2pm on April 13.

Pahal noted that the IRA Committee met and they will be spending \$800K next year. They have lots of funds for clubs and organizations, so if you want to apply, there is IRA money available. Hopefully, it can help fund programs you're interested in.

Jasek-Rysdahl provided an update on the motion regarding the suspension of the CIS Program. We've been waiting for a document from CIS, which was just handed to him today. SEC will discuss this next week, and it should be on the next Senate agenda.

Guests were introduced as Dennis Shimek, Marge Jaasma, Gabe Bolton, Russ Giambelluca, Halyna Kornuta, Ron Noble, Carol Bartell, Thomas Carter, Brian Duggan, Lauren Byerly, Diana Bowman, and Ashour Badal.

## **5. Committee Reports/Questions**

Jasek-Rysdahl mentioned that the TRPC will come up later as a discussion item.

O'Brien asked if we will get an update on UBAC. Jasek-Rysdahl said we can request that we get an update from those who are on this committee.

Garcia asked if Sarraille could discuss FBAC's role, at least in the Academic Affairs, if there is a scenario building process within the colleges. He is wondering what FBAC's role is; will they have access to the scenarios, and what information has FBAC been given with regard to the instructions given.

Sarraille said that he reported previously about instructions they know about. As an FBAC representative in UBAC he received a copy of a spreadsheet that shows the amounts of cuts that each division are to plan for, and he received indirectly another spreadsheet of the amounts of money each college and dept. were asked to plan to cut. This is all posted on the web where people can have a look. That's all that has been shared. We invited the VP of Business & Finance, Russ Giambelluca to the FBAC meeting last Wednesday. FBAC asked him some questions and expressed concern about the academic side of things. Garcia asked about our plan for participation, and the plan is pretty much to be clear on what our priorities are. Senators can come up with the priorities that they feel are important and to send these to Sarraille and Tan as representatives for FBAC and UBAC. UBAC is planning on Friday to begin looking at the plans that are coming in from the divisions, and hopefully we will know more about the detail after the meeting on Friday. Of course, we hope to have an opportunity to react to how those plans are shaping up. He added that he doesn't think members of UBAC will have much influence on the process. The budget planning process is not something that members of UBAC have determined or had much to say about. It is happening, and we're getting announcements about it but we are not overseeing it in any sense. It's not thought to be our responsibility.

Giambelluca added that he thinks UBAC is proceeding fairly quickly through the process of developing recommendations. The process is similar to the one used in past years. The campus is not at liberty to conduct a budget process in a vacuum. Our campus must generally follow the instructions from the Chancellor's Office. One of the things UBAC is doing this year that we're pleased about is that we are having in-depth conversations on some important topics. Also you can go and see and hear some of the discussions because we're capturing them on video, and that is helpful to people who want to understand what UBAC is doing. If you're interested you can go look. There's not a lot of time to talk in great depth about individual subjects, but members do have time to explore topics in a way not done in the past. These are much more positive aspects of UBAC. UBAC can do what it did last year which is to make sound strategic recommendations, as they do carry some weight. Many of the things that were recommended last year have been implemented or are in the process of being implemented. Administration takes the UBAC

recommendations seriously.

O'Brien asked for a report and that can come as time permits from Sarraille or Giambelluca. Are we planning at \$500 million cut or another cut? Giambelluca said that things are still really fluid. The Trustees are meeting today and things are changing all the time. We're trying to get the conversation to occur on campus that looks at what is important regardless of the size of the cut. Giambelluca prefers to remain an optimist, and hope for the minimal approach to cuts. The budget situation is all very fluid. We now know that there will be no ballot measure on taxes in June. We may have one in September. A repeat of last year (delay until November) may not be out of the question. This group (Senate) and every one on campus needs to be prepared. As a campus we want to take action sooner rather than later so impacts of budget cuts have less impact on people.

Silverman said he just heard the VP of Finance saying that UBAC is having discussion in depth on some issues. He is curious to know if UBAC is getting more complete information to help these discussions because as he recalls that (getting info) has been a problem last year (2010).

Sarraille hasn't checked in the last couple of days but he made an information request on November 3, 2010 for information to be posted on the Business & Finance webpage to be used to calculate trends in our spending, and as of last week it hadn't yet appeared on the website, although, he was promised they would be there by then. In response to the question, another thing that has happened, that he is concerned about, is that he made a request in UBAC for multiyear data to see trends in spending over 5 or more years. This information is posted on the campus website in PDF format, which is difficult for FBAC to utilize. He asked Russ Giambelluca if this information could be shared with FBAC in excel format so they could look at those spreadsheets and add formulas to calculate percentage differences and other things. Giambelluca responded that this is not the way we share information. Sarraille thinks several faculty found that disconcerting. This may be a coincidence but the video exchange of that discussion is not yet posted to the website. Evidently there was a technical problem that day. On the other hand, it does concern him that the administrators came into the UBAC meeting with assistants that had done very extensive work and prepared a presentation with spreadsheets to explain what they are seeing in terms of under-enrolled courses. They provided a very complete analysis of things they knew about the presence of under-enrolled courses, and there was lots of energy in data analysis on that issue. Sarraille is a bit concerned about the willingness of folks to help us out to get the data FBAC needs. We're all pretty busy, and he may be able to convert the format of PDF into excel and do the calculations, but he could use some staff help himself.

Jasek-Rysdahl said that there are questions about UBAC, and we can have this as a discussion item on the next Senate agenda.

## **6. First Reading Items**

### **a. 4/AS/11/FAC/SEC Editorial Amendments to the Constitution**

Baker introduced the resolution, seconded by Stessman. Baker noted that there are minor tweaks and changes which are outlined on the rationale, and in an attached document with snippets from the constitution with the changes. These ideas originate from different committees.

#### **4/AS/11/FAC/SEC Amendments to General Faculty Constitution**

Be it Resolved: That the Academic Senate, California State University, Stanislaus recommend the amendments to the Constitution of the General Faculty indicated in the attached document, and, be it further,  
Resolved: That the Academic Senate recommend the amendments become effective upon approval by the General Faculty and the President, and, be it further,

Resolved: That the approved amendments be incorporated into the Faculty Handbook

Rationale: The following are explanations for the attached suggested amendments to the General Faculty Constitution:

- **The change in the names of the counseling unit and library representatives are due to the language in the collective bargaining agreement under article 2.13 that states "Counselor faculty unit employee" and "library faculty unit employee." So, under Article VI, Section 2.1 and Article VI., Section 2.3 these changes were made to reflect the contract language.**
- **Under Article V. Section 2.0 d) the title has been changed to reflect the current title of the position of Provost/Vice President for Academic Affairs and Vice President for Enrollment/Student Affairs.**
- **Since there is no longer a Winter Term, the term Winter Term was deleted under Article VI, section 2.2 k) 5) and Winter Session was deleted under Article VI., Section 3.2 e) .**
- **FAC also recommended changing the language in Article VI., Section 2.2 k) 5) to add the words "college credit" in order to justify removing mention of the Winter Term.**
- **Under Article VI, Section 3.2, c) CoC requests changing the language for the duties of CoC to allow some flexibility when CoC makes attempts to find nominees for the offices of Speaker-elect, Clerk, and the general faculty's representatives to the Statewide Academic Senate.**

Jasek-Rysdahl noted that this is a first reading item. The process for this is that the Senate votes on whether this goes to the faculty for a vote. The vote we take doesn't change the constitution; we are asking the general faculty to vote. This is a separate vote from the ballot for the Senate elections. This won't be on that ballot. We are voting to send these amendments to the constitution to the General Faculty for a ballot vote.

Marcell says it is all editorial and the content is simplistic. He encourages waiving of a first reading. Seconded by Petrosky. Marcell thinks the rationale is well written and states that it is editorial in nature.

Nagel said that he'd like the opportunity for folks to have a look at the editorial resolution. Maybe some would disagree that they are only editorial.

Eudey finds that there are not many changes so she's okay with moving forward to a second reading, but she noted that we have sufficient time to have the second reading at the next Senate meeting. She supports Nagel's request if there are those that would like to have more time to consult.

McGhee wants to know when these changes will be implemented. Pierce said that if these changes are recommended, it goes to the President, and if he approves it then it will take effect on that date. It becomes real immediately upon the President's approval unless we state otherwise. McGhee thinks that if the implementation isn't hastened to a time that's important, he agrees with Nagel that we should leave it as is. Waiving a first reading is exceptional, and if everything is waived nothing is exceptional.

Hand vote for a second reading. By hand vote movement to second reading fails.

Held said some changes are from the Library representative to be noted as a faculty member. This was brought up by Renae Floyd in Counseling, and the Library agrees and wanted to thank the Counseling faculty for including them in that change.

Jasek-Rysdahl reminded all to bring this back to their departments, as it will come back at the next meeting as a second reading.

**b. 5/AS/11/Athletics/FAC Amendment to Article V, Section 2.0 of the General Faculty**

### Constitution (adding a Coach Representative)

A new version of the resolution was distributed by hand at the meeting. Pierce noted that if you're looking at the copy in your packet, that version includes the proposed changes that have not yet been approved so please refer to the new version that was handed out. The new version is showing only changes to items g. and i. It shows changes to the current constitution and not an amended constitution.

Baker moved the resolution, seconded by Nagel. Baker noted that the background is laid out. Originally coaches were represented via Kinesiology/Physical Education. When these departments split, they weren't represented as they had been in the past. This item came to FAC from Coach Gabe Bolton who requested a coach representative for the Senate.

#### 5/AS/11/Athletics/FAC--Amendment to Article V, Section 2.0 of the General Faculty Constitution (adding a Coach Representative)

**Be it resolved that:** The Academic Senate supports an amendment to the General Faculty Constitution, Article V, Section 2.0 permitting the addition of one voting representative to the Academic Senate elected by and from all full and part-time coaches ( non-tenure-track Unit 3 employees); and be it further

**Resolved:** That this amendment be sent to the General Faculty for approval; and be it further

**Resolved:** That this amendment be effective upon approval by the President.

**Rationale:** This proposed constitutional amendment would allow coaches (part-time & full-time) to elect one Senator to represent Athletics. This provides a perspective that has been missing since the separation of the departments of Athletics and Physical Education (now known as Kinesiology). Coaches and student athletes have unique needs that coaches can address at the Senate.

#### ARTICLE V. THE ACADEMIC SENATE

**Section 2.0** All members of the General Faculty are eligible for election to the Academic Senate. Voting membership of the Academic Senate shall be as follows:

- a) One Senator elected by and from the General Faculty in each academic department, the library, and the counseling unit.
- b) The General Faculty's representatives to the Statewide Academic Senate.
- c) The members of the Executive Committee of the Academic Senate.
- d) The Provost/Vice President for Academic Affairs and Vice President for Student Affairs.
- e) Two voting student members of the Academic Senate selected by the Associated Students, according to their procedures.
- f) One voting member of the Academic Senate elected by and from the CSUS Emeritus and Retired Professors' Association.
- g) One voting member of the Academic Senate elected by and from all full and part-time lecturers, excluding coaches (non-tenure-track Unit 3 employees).
- h) One voting member of the Academic Senate elected by and from all full-time permanent staff (The term 'staff' shall mean any staff employee who is full-time permanent employee in bargaining units 1, 2, 4, 5, 6, 7, 8, and 9.).
- i) One voting member of the Academic Senate elected by and from all full and part-time coaches (non-tenure-track Unit 3 employees).

Isabel Silveira Pierce 3/30/11 11:33 AM

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Jasek-Rysdahl reminded everyone again that this will go to the general faculty for a vote if approved.

Gabe Bolton thinks the rationale lays it out. He thanked everyone for giving coaches this opportunity and

giving them an opportunity to speak. Coaches, in the Athletic Dept. used to have representation through Physical Education because most were PE faculty, but that changed in 1998. Since 1998 there hasn't been distinct representation. They have been represented by Nagel or PE if they're still faculty, but few coaches cross over to Kinesiology. This is a very distinct department with budget and issues related to coaches and student athletes. A coach representative can provide a perspective and assist in shared governance in a way currently missing from the Senate.

McGhee speaks in favor of this resolution, as it's only fair that all areas of the University have voice in what goes on and affects them. Coaches are not being represented directly, as they are represented indirectly by people who don't experience what they do which is not fair. Hopefully, we will support this.

Nagel said that some may wonder why coaches aren't already represented because as lecturers they have him as a representative. When Bolton brought this forward, he agreed immediately that they need their own representative because he doesn't have their perspectives. With regard to the amendments themselves, he has questions for the committee. Nagel thinks there is ambiguity in the way these voting groups are defined in the parenthetical because both seem to describe them in the same way, as if they are an identical class of faculty. Excluding coaches in item g. says that one should be non-tenure-track unit employees. Maybe there is an easier way to identify them in the parentheticals. His other comment is that there could be a case of multiple appointments where a coach is also a part-time lecturer in a teaching position. He wonders if the intent was that person could vote as a member of both groups and potentially represent the faculty as a member of both groups. He believes that he's interpreting this to mean that a faculty member who is both a coach and a faculty member could run for, vote for, and be elected as representative of both classes, and he didn't know if that was FAC's intent.

Baker said that could happen, but it was not their intent that it would happen. Baker said it was understood that coaches are faculty but not considered lecturers unless they have an instructional appointment, so they could be in both classes. It would be nice to know what the Senate thinks about their being able to do that, so that we can address that case when it occurs.

Regalado is not speaking necessarily against this amendment, and Nagel did a good job clarifying the special needs of coaches, but he's not sure what category coaches are in. The assumption was that the lecturers were representing them up to this time. He's unclear about the line noting the unique needs coaches can address. Are these apart from Kinesiology or apart from the general faculty? Would argue that everyone else has unique needs, wondered if there could be clarification about what that means.

Baker thinks the intent is that coaches have a status that is unique compared to other faculty. No one is arguing that all departments don't have unique needs, but compared to being represented via the lecturer Senator; it is unique compared to where coaches are currently being represented.

Bolton said that coaches do have unique needs just as the Biology, and English Depts. have needs in interest of shared governance. It's not just different needs, but also different perspectives to bring to the discussion about what is going on at our University and what is being dealt with at the Senate level. That's why this group is so inclusive for the perspective offered. This is one of a few groups on campus that doesn't have that perspective.

Marcell said that out of all 287 student athletes, less than 40% are Kinesiology majors. Coaches and their student needs are separate from the major.

Sarraille said that, regarding the term 'lecturer,' the reason for the phrase in parentheses was that, at the time that the provision for a lecturer representative was created, the precise definition of the term 'lecturer' became

an issue. If we went around the room, there would probably be considerable variance in what people think the term means. In the Collective Bargaining Agreement, all unit 3 employees who are not tenure track are considered lecturers including coaches, and non-tenure track unit 3 employees in the library and counseling

Filling thinks that the issues Nagel brings up can be dealt with in the procedures the coaches design for their election of a coach representative on the Senate. Jasek-Rysdahl noted that there were procedures written by the Athletics' Department that can be shared if requested.

Strahm said Bolton said what he wanted to say.

Baker said that the staff developed procedures, and he thinks that you could write procedures that don't allow overlap but those are not ratified by the faculty. Nagel said he didn't express that this was a good or bad idea to serve dually, but didn't know if that was the intent of the committee. He asked the Senate what they thought about the dual appointment possibility.

Jasek-Rysdahl asked for a hand vote about concerned with dual ability to serve. Baker noted that the overwhelming lack of concern allows it to be in the procedures and not the resolution.

Regalado thought that the word "**unique**" suggests special treatment, but realized that what is intended is that the coaches want the ability to speak to the Senate and not special treatment. Bolton said they want to be treated the same as others. Regalado feels we should omit "**unique**" because to him it implies special treatment.

Nagel noted that while dealing with the definition of classes of persons who can vote and are represented, he had an opportunity to look at coaching appointment letters. These letters say something different about the responsibilities between coaches and lecturers, so perhaps how they are appointed can serve as the defining wording of how we determine who coaches are.

This will be a second reading item at the next Senate meeting.

## **7. Discussion Items**

### **a. Faculty Governance**

Jasek-Rysdahl noted this is a continuation from the last meeting. This has gotten quite a lot of attention in the last two weeks, and this has touched a nerve for quite a few people for a few reasons. The heading for this item is faculty governance, but it is related to a specific incident. As we enter this discussion, he wants to remind people that this discussion is about people.

The item before us is partly about the appropriate ways to talk about issues in a respectful, open and free exchange, and what is the appropriate way to respond when people do not use those appropriate methods.

He wants to make it clear before we begin that we are not discussing whether the comments by Senator Pahal were appropriate for not. His comments were given during the open forum and there was opportunity to respond to those comments at this time. Our discussion today is a result of the actions that took place after the March 8<sup>th</sup> Senate meeting.

Jasek-Rysdahl said that Provost Strong asked if he could speak to the issue, and he is at the top of the list so he will allow him to speak first.

Provost Strong addressed the Speaker and said that he spoke to President Shirvani today and he asked me to read the following statement to the Senate.

*Mr. Speaker and Members of the Senate:*

*I am away from campus today. However, I wish to address the Senate regarding the earlier incident and the impact of that incident on the members of the Senate. I regret that the incident occurred and apologize to the Senate. It is clear that I made a mistake in how I handled the situation. I fully support the need for and importance of open discussion and debate in the Senate and that the incident may have had a chilling effect on such discussion and the importance of using appropriate protocol to protect open discussion and debate in the Senate. This is essential to effective shared governance. It is my plan to attend the next scheduled meeting of the Senate personally to address these issues and apologize to my Senate colleagues for the incident.*

*Sincerely,  
Ham Shirvani*

Regalado would like to make a motion to introduce a resolution to the floor. He distributed a document that calls for the censure of President Shirvani by the Academic Senate. Seconded by Filling.

#### MOTION OF CENSURE

*Resolved, that the Academic Senate of California State University, Stanislaus censures the behavior of President Hamid Shirvani immediately following the Senate meeting of March 8, 2011; and be it further*

*Resolved, that the Academic Senate of California State University, Stanislaus requests from the campus president a verbal apology in person to the full Senate during a regularly scheduled Senate meeting at the soonest possible time; and be it further*

*Resolved, that the Academic Senate will present the Ad Hoc Trust Restoration Planning Committee with copies of all Senate minutes and other documents relevant to the March 8 incident.*

#### *Rationale:*

*The Senate is highly dismayed and troubled by the President's aggressive verbal attack on the Associated Students president/Senate representative in the immediate aftermath of the March 8 Senate meeting. Such an attack on a legitimately elected Senator in response to comments and concerns legitimately raised during a Senate meeting is behavior unbefitting a member of the campus community. Such behavior, particularly when engaged in by a university president, undermines the purpose of the Senate by having a chilling and potentially threatening effect on free and legitimate discussion of issues it has been charged to address. The Senate has been aggrieved as a body and its response as such is therefore warranted.*

*Since the Senate has been aggrieved as a body, the most effective and appropriate apology must (1) be offered in person directly to the full Senate; (2) be offered in response to the passage of this resolution; and (3) specifically address the reasons the Senate finds the behavior in question objectionable.*

*It is not clear that an apology from the president would necessarily restore all senators' belief in their ability to speak freely in the Senate, but his doing so is an essential first step in attempting to reverse the damage done by the March 8 incident to the climate of trust, collegiality, and respect for shared governance that we are seeking to foster on our campus.*

Regalado was a witness to President Shirvani's interaction with Senator Pahal after the March 8<sup>th</sup> Senate meeting. Regalado read the following statement:

*Mr. Speaker, I would like to make a motion to introduce a resolution to the floor that calls for the censure of the president from the Academic Senate.*

*Mr. Speaker, I present this resolution as a senator who, on March 8, witnessed President Shirvani's inappropriate behavior, one that he acknowledged in his March 11 letter to Speaker Jasek-Rysdahl, towards*

*another senator while he attended the Academic Senate as an unannounced guest that day. This motion to censure is not about WASC or is one authored to simply create yet another issue.*

*Let's be clear: it is about the president's rude and aggressive behavior and the need for the senate to respond as a whole. As the senate is the aggrieved party, this resolution states unequivocally the position that the president should be held accountable for his actions that occurred in the arena of the Academic Senate. The president's tepid response via his letter of regret to the Speaker was inadequate and more akin to a "get out of jail for free" pass than it was anything else. This resolution calls for a more appropriate means by which he can express his regret.*

*So here it is: this happened under our watch, so we can do one of two things: we can either stick our heads in the sand and effectively condone his actions, or, by supporting the resolution, we then live up to our responsibility in defense of the integrity of the senate and send a message to the president that the line of his inappropriate actions stops here and comes with consequences.*

*Should the resolution be brought up for a vote, I ask that, for obvious reasons, secret ballots be cast.*

Jasek-Rysdahl noted that this is a first reading item. It will be treated as a first reading item so if you have questions or comments about the resolution, this is the time to bring them up. We will have a second reading at the next Senate meeting.

Garcia said that the Masters in Social Work program had a long discussion about what occurred and how to respond, and in the discussion they contemplated many ideas, including the idea of censure. Based on that conversation, he can speak for his dept. faculty that they are not ready to support a motion of censure at this time. They don't believe we only have two options. The option they recommended is one where we as faculty continue to be mindful that we are trying to establish or reestablish trust, and this would not contribute to the establishment of trust. The Masters in Social Work faculty think the Senate would be in a better position to respond to the President with a thank you for the apology, and remind him of the reason we are so concerned. This is not an action of pretending it didn't happen, but acknowledging why we are so concerned. It also establishes an atmosphere where we are not further pitting faculty against administration.

Carroll has been involved in many conversations over the past few days. Some are like those Garcia has suggested, and most think that a censure is unnecessary or an overkill. Carroll sees it as appropriate, necessary, and right. He read the following statement:

*The objections I've heard are all permutations of the same basic concern: that a censure motion is unnecessary, that it amounts to overkill. The point I want to make, and emphasize, is that it IS NOT and DOES NOT. Rather, it is appropriate, necessary, and right.*

*Allow me to address the objections I've heard one by one.*

*One person I spoke to said that a censure motion would amount to an excess of faculty whining.*

*I respectfully disagree; it's not whining. To whine is to complain unnecessarily, and this is not an unnecessary complaint. The incident in question amounts to an attack on the Senate, and on the shared governance and civil discourse that it embodies. And what I'm talking about is not merely symbolic, though it is certainly that at a minimum. The effects of the president's behavior on the climate of open civil discussion have been, and remain, very tangible. Now it's reached the Senate. If this is not an appropriate and legitimate cause for complaint, I don't know what is. A forceful response here is absolutely necessary. I suspect that the person who offers this objection does so because we've done a lot of complaining in recent years. But I think this is not because we've been over inclined to complaining but because we've had so*

*much cause for legitimate complaint. Perhaps this person grows tired of it all. I feel that way myself sometimes, but we should not let that fatigue, that battle-weariness, get the best of us now, as (after hearing objections like this one) I fear it might. If there had been fewer such problems in the past, I doubt that a censure here would be coming off to some as too much.*

*And just as a censure is not merely whining, it's also not only about the faculty. It's about the whole Senate – ALL the constituencies represented here. All are equally affected. The Senate is the place – the key, central place – where all campus constituencies (students, staff, administration, and faculty) come together in a spirit of community and open discussion. That's what makes the incident of a few weeks ago so especially egregious.*

*One person I spoke to said that we need to pick our battles.*

*My response here is much the same. For all the reasons I've just offered, this is clearly a battle worth picking.*

*One person I spoke to said that the matter had been for all intents and purposes resolved by Inner's and the president's joint letter. Why drag it out further?*

*It's worth reemphasizing that this incident is not only about the ASI rep. It's about the whole Senate. A response from the ASI rep may be necessary, but it's by no means sufficient. It does not amount to a senate response. Nor does a distribution of the letter at the last Senate meeting and a sort of collective "OK, let's put that in the record" amount to a meaningful senate response. The whole senate needs to offer an unequivocal, direct response. Anything short of that is underkill.*

Poole would argue that nonsupport of the motion does not equate to acceptance of the behavior, as these are two different things. Failure to support the motion is not pretending that it didn't happen. A censure after the letter SEC sent and discussions at the last Senate meeting seems like overkill. She thinks we aired the issues, and it's clear that the President recognizes he made a mistake. Whether that will change behavior is yet to be seen, but a censure would not change it either. She does not support the motion.

Dean Moore wants to echo the rational logical comments made regarding this matter, particularly in the current with regard to trust restoration, which goes beyond the Senate encompassing faculty, students, administration and staff. In the letters he read last week, and including the statement made today by the Provost on behalf of the President today, he can't see how anyone could describe the language used by the President as "tepid." There is a large dose of contrition in each letter. Furthermore, it states [in today's message via the Provost) that the President wants to address the Senate face-to-face regarding the incident at the next meeting.

Filling said that having been a recipient of Shirvani's angry outbursts, as have at least three of the faculty in this room and a fair number of others, he could testify that such behavior is indeed oppressive and should not be tolerated. We have had to live with the consequences of the President's behavior, and it does not make for a productive workplace. We've also experienced the President's attempts to recover from those outbursts, largely by pretending they didn't happen. The letter Provost Strong read today is different in content and character from what happened before, and it seems that the motion is requesting what the President, via the Provost, is saying will happen. He would be inclined to let this sit if the President does attend the next Senate meeting and does indeed offer his apologies.

Strahm like Masters in Social Work has been wrestling with this as well. She read what one person wrote to her as Senator representative. This person felt that *"the interchange took place after Senate and letters between the 2 parties - apology and acceptance of that apology - were exchanged. I say no censure."* Another colleague said *"I'm really tired of hearing so frequently about him trashing someone. Apparently he has not learned to be civil. Enough - I say, yeah, censure him."* After much discussion the Sociology

Department is not prepared to support a motion of censure at this time.

Petrosky said the question that is before us if it's excessive enough to require more action. When you witnessed this or heard about the behavior, did you say to yourself "this doesn't sound like the President Shirvani I know", then don't support this resolution.

Espinoza says that over the past few weeks she's heard conversations about this in other forums and here. She stated that her interactions with President Shirvani is that he appears to be a very passionate and focused leader. He has strong opinions and perspectives about how to move this University forward. We are at a place where there are many critical issues on the table to put our attention to. As far as the conversations with Noble and Pahal, the issue is resolved. It did not appear to her, as she heard people talk about it, that it was as egregious as people talk about it and as it is described here. She sees it as an exaggeration that it is as described here.

Noble asked if the Senate can censure a non-member. He's not sure that this is possible. Jasek-Rysdahl noted that the President is a member of the general faculty, and that he will look into this.

Espinoza has never felt that there is a hostile environment, and does not perceive that there is a perceived fear of what President Shirvani may do. You may have a different perspective, but it's not something she sees.

Pahal talked to other members of ASI including their Executive Board, and it is not okay what happened but does a censure need to occur? He does not think there needs to be one at this time. At this moment in time with us trying to establish trust, and with so many things going on he feels comfortable and that it has been resolved. He apologized last week and this week and will again. He strongly urges that we don't censure the President on this one issue at this one time. The ASI representatives feel the same way. Censure is going too far. We have the President's apology on the record, and he feels comfortable with that.

Panos said that if memory serves him Interim Provost Lujan wrote and published an article in the newspaper filled with non-truths and when he was asked in the Senate his feelings about his actions he offered no apologies and had no regrets. President Shirvani has done the right thing and the Senate should accept it in good faith.

Carroll said that as one of the recipients of the President's attacks, his experience is that a mention of regret from the President means zero. He's seen it many times over and over again. He's heard concerns that possibly the term censure is procedurally inappropriate, and would we change its title. Carroll read the remaining portion of his statement as follows:

*One person I spoke to asked what a censure would accomplish, implying that it would accomplish little. Will it change the president's behavior? The record of the past several years would suggest not. Will it change his disrespect for our governance processes? Again, the record of the past several years would suggest not. Expecting or hoping for those kinds of results is, the historical record suggests, simply unrealistic. If those kinds of accomplishments are the measure of what actions are worth taking, then we may as well become accustomed to sitting on our hands or looking down at the floor. Indeed, by that measure, nothing we've done has been worth doing, so little difference has it made. So: What a censure will accomplish is the Senate's going unequivocally on record. (It is not, in any meaningful sense, on record yet.) What it will accomplish is the Senate's unequivocally declaring this sort of behavior completely unacceptable. Such results may seem limited compared to the larger changes we'd like to see, but they are still worthwhile. The president hopes his response will end the matter, put a period on it. But this matter requires an exclamation point. Insofar as we're concerned about what we communicate to WASC, that*

*exclamation point is an appropriate ending – though again, this is not about WASC. WASC or no WASC, a Senate censure is how this matter ought to end – how it needs to end. It's the right thing to do – pure and simple*

Marshall said like many colleagues she canvassed her colleagues and many were supportive of the resolution. However, now that the President has offered to come and apologize, this seems to change things. Like Steve Filling, she now wonders if the motion is necessary, at least at this time.

Carroll said that the three resolved clauses were placed in order of importance, and that an apology is in the second resolved. The first resolved calls for a clear Senate response to the incident, and that need remains.

Shimek thinks the Senate is on record with regard to this matter. The letters from the President were presented at the last meeting, and a statement was read today which speaks to issues of concern from many faculty members. It will be an important step when the President does come to the Senate next week to have an exchange with the faculty. We will have the President in attendance which will satisfy the concerns that the Senate has. We come to the Academic Senate in good faith, recognizing the impact of these actions and this is reflected by the comments we heard today. He would hope that the Senate would accept in good faith what the President has offered. He heard the comments about the past looking toward the future and hopes that the President coming here provides the opportunity to move into the future. He thinks it's important to the future as we have lots of important things going on. If expending energy, we should expend it toward working together and making things better.

Eudey agrees with Shimek's desire to work together doing these things. There have been a number of times that she's heard the President say "let's move forward", but this is disheartening. She appreciates the letter from the President and wonders how he knew of the censure. Lots of people of this campus live in a high level of fear. She was also a recipient of that anger being yelled at by the President. There are roles she can't take at this University, and a large number of faculty refuse to serve as Speaker partly because they don't want to be part of the focus due to the President's behaviors. There may be some changes, but note that due to the President's past behavior that many people on this campus are not seeing this as just 1 event. It's a pattern of behaviors that continues to erode at peoples comfort. She's not sure that the censure is the way to go, but she was supportive of it. If the censure vote should pass, we'd have the force of that and a vote on the record. She doesn't know if we need it, but we can't ignore the fact that this is not an isolated incident. It hadn't occurred in the Senate after a meeting, but it has occurred in other bodies

Regalado noted that Shimek, Strong and Espinoza have no history of this behavior back through 2006. VP Espinoza may think she can characterize this, but her candy-coated profile speaks to lack of experience in this area. To refer to this experience as exaggerated is irresponsible. We have heard apologies before; we have heard them many times. The TRPC has been active for several months prior to this incident, and the President was aware that trust was being worked on and people were spending time on this. Even though he was oblivious and didn't care about it. We need to be reminded that this is a statement of principle for the Senate to draw the line. So where is your line, when do you say stop this.

Jasek-Rysdahl wants to be sure we are talking directly to this resolution and are focused on specific incident. Please direct comments to the chair.

Giambelluca appreciates the opportunity to speak, as he may likely be the only senior ranking MPP in the room. He has had an opportunity to work with the President on a number of occasions, and he's heard a number of the conversations and the comments from both sides. No circumstance that turns out to be difficult is something to be proud of. All of us have experienced this in our past. Based upon our position and passion, we react in a certain way, and afterwards really were quite concerned about it. It is my

observation that the comments being expressed today are a fairly aggressive attack on one individual's behavior with no reference to the behavior that may have contributed to it or created it. Things happen that cause people to comment or react in certain ways. He has observed similar behaviors in other persons on campus. This matter seems to have been resolved between the two individuals. In the spirit of focusing on engendering trust and given the difficult times we are facing, he hopes that this body could move forward and focus its energy on bigger issues and the real important decisions that have to be made. He doesn't often agree with J. Garcia, but he has tremendous respect for him. He thinks that the points Garcia shared earlier were sound and should be listened to in this case.

Jasek-Rysdahl said we are specifically talking about the resolution, not the actions or comments of others. This is about this resolution. Tie it to the resolution and keep it to that.

Stone said that when events happen to a student that invokes a mother bear in her, she was impassioned. She appreciates the efforts by our colleagues in the History Dept., but based on the letter read from President Shirvani, he is apologetic and we should move on. There are much bigger issues, and a looming budget crisis. She thinks we should move this discussion and accept the written apology, and look forward to President Shivani's apology in person.

Filling noted that he wanted to paraphrase Senator Poole's comment. Not approving this resolution is not to be equated with condoning the behavior. Intimidating people is not okay, period. As IVP Shimek, Filling would like to move forward and make things better. Indeed, that's what this discussion is accomplishing - we are making things better by helping people, including the President, understand what behavior is acceptable and what is not. Filling also responded to VP Giambelluca's statements that the Senate is not considering the behavior that led up to the President's outburst by noting that there was also behavior that led up to that behavior that led up to that behavior - it's an infinite regress. Senators do not and should not accept that argument as a rationalization for unacceptable behavior. The President's behavior needs to change. While Filling appreciates the President's and various Vice Presidents' statements, he asks that we follow the Reagan dictum to trust but verify. The Senate may graciously let this go without censure, but the President should know that we are watching for changes in his behavior.

Espinoza would like to reflect that she has worked at six campuses. She has worked for over 10 presidents, and they have all been passionate, directive and forceful. She doesn't see anything in this interaction that makes President Shirvani seem exceptional.

Provost Strong said that the President said he would come and speak to the Senate, and hopes that the Academic Senate should allow that to occur and not support this resolution.

This will be on the next agenda as a second reading item. SEC will figure out how to set up the agenda to make this and the President's visit occur.

**b. Trust Restoration Planning Committee**

Jasek-Rysdahl noted that recommendations were passed out at the last meeting. Hopefully, folks have had time to reflect on these. The TRPC met last week and this week. They have discussed other items but have decided that they do not intend to add other items. He's looking for direction, and has gotten some feedback for modifying the TRPC recommendations a bit. He's looking for feedback from this body about what actions we should take. How do you want to deal with these?

Regalado asked if the TRPC was able to address the issue of Shirvani's behavior. Jasek-Rysdahl responded yes. They discussed it a lot, in addition to what was shared here, and some of the issues that lead up to the vote of no confidence. They discussed behavior, and talked about the discussion today and at the last Senate

meeting. This has been discussed, but not resolved.

Shimek would like to get some feedback from the Senate members. One reason is that he hears a Senate member asking what the TRPC committee is doing. Is there something we could demonstrate that the charge given to the body is resulting in items that are meaningful to the Senate? There are a few on the list that are responsive to what we've been hearing. Without feedback, we're assuming that we can bring these to the table. He thinks that there are some items that are very important to get from the Senate.

Eudey asked about URPTC and FAC. Can someone explain what is occurring with RPT?

Jasek-Rysdahl said that he goes back to the results of the survey SEC conducted in September 2010. There were 101 comments about sources of mistrust, and RPT was one of them. This is one item that you will find on the Senate minutes every spring that requires a resolution that we need to follow the policies. FAC and URPTC have had multiple forums to address this, but this is still an issue every spring. We are hoping that something different will occur this year. In the past, Filling and Jasek-Rysdahl had a discussion with those who went through the process, and FAC and URPTC looked at the elaborations. We're still not solving the problems. This is vague right now, and they're looking for input. They want a process so those going through the process can identify problems. Dept. RPT committees who see this from a different perspective can share the issues they're dealing with, and we're trying to get Deans and the Provost to say what the problems are. All we envision here is getting information about the specific problems and bringing that back to the faculty governance. Please provide information to URPTC and FAC. This will only happen as a result of this going through the governance process.

Strong thinks we need to do a formal review of the RPT processes and policies and see what we can do relative to making changes that will facilitate advancing the mission of the University.

Jasek-Rysdahl said that the four members of TRPC would sometimes get into discussions of elaborations, but that's not their job. It's for us to make recommendations that we think might start to address problems. We can't do something that ignores faculty governance process. We want to work with faculty governance.

Shimek said that as the person wearing the hat of the Faculty Affairs person, he envisions working directly with URPTC. He'd like to have a recommendation from the committee to have a process that everyone understands and a product that benefits all of us.

Garcia would like to say that the TRPC has been having this substantial meaningful, positive impact on campus, but he does not think that this is the reality. It seems that while the group is trying to identify the problems and offer recommendations, the problems are changing on a daily basis. Yesterday it was the problem with RPT that changed, and today we have a new problem or issues. The TRPC committee can't keep pace. There always seems to be new issues, and not just with RPT. The issues change on a regular basis. He applauds TRPC for their efforts, but there are not many people who see that it is working.

Jasek-Rysdahl said that it is not TRPC's job to implement things to improve trust, but to make recommendations that might affect trust restoration. There are some common things. We cannot change what is going on, but we can try to put some processes in place or recommendations to core areas hoping that we can address this. To him, it's not their charge to restore trust or to fix RPT. His impression is that this is beyond what they were asked to do. It's been a struggle to figure out how to do that.

Filling stated that as URPTC chair this year he seems to spend most of his time at the epicenter of the continuing discussion concerning the RPT system. He hears people say that the system is broken, and just heard the Provost say we need to rethink everything. Filling is not at all convinced that the system is broken,

and noted that comments are often contradictory. For example, he held a workshop on RPT for deans earlier this year, and heard some Dean's comment that elaborations were too vague. He heard other Dean's remark that some elaborations are too directive and should leave more space for judgment. He hears similar comments from candidates, department chairs and department RPT committee members. Filling's conclusion is that the system is not broken and that it does not and will not produce satisfaction for everyone all of the time. What we need is not some farcical system that will satisfy everyone but rather a system that minimizes discontent. Filling noted that the TRPC has an impossible job because the top and bottom of the sandwich are paying no attention to what the four committee members are trying to accomplish.

Jasek-Rysdahl said there is nothing in that recommendation that assumes it is broken. We don't say "Fix RPT," but we can share what people say are the problems. There will be conflict, and we will not get rid of the conflict, but are there ways in which we can deal with it in a way that is functional?

Moore followed up on what Garcia said and wanted to discuss the TRPC process and charge. He thinks that it would be helpful to have more clarification on the process and charge of the TRPC if we're going to address or help to address issues raised by WASC. What is supposed to happen, and what are the TRPC goals so that it can perhaps sway the perceived frustration about what the committee can achieve.

Jasek-Rysdahl said that the charge was offered at the last meeting and is in the Senate packet.

Moore said given that the TRPC is exploratory in nature, he's concerned primarily with the gathering of information.

Jasek-Rysdahl said that the TRPC's responsibility is to bring recommendations to the Senate and the President, and the Senate can do what they want with the recommendation. He would like some feedback now that will give this a chance of moving forward.

Provost Strong hopes that he didn't say that he thought RPT was broken. He thinks that RPT is as highly charged a process as there is on any University campus. Every place he's been the high stakes associated with the process has caused a fair amount of attention and criticism of the process and of decisions. We need to facilitate the mission of the University. He thinks it is a useful endeavor to review that periodically and look for ways to possibly improve that through a collaborative fashion in shared governance. He thinks that the TRPC has accomplished a lot, even though it may appear that not much is happening. He thinks that we got a report team put together, and by getting to a point where we can do that is an example of restoring relationships to a point where we could establish such a team is a significant accomplishment. He has a bias having spent most Tuesday mornings in these meetings, and he can say that a lot of positives have been accomplished but it will take time.

Panos said we have to be careful with the language we use. When we say RPT problems, and that our process is problematic, it may raise a red flag. We imply there was a problem all along, and have had the problem for many years. We need to use more careful language on how to express improvement, or the language may cause more problems.

Filling asked if we have a committee formed for the WASC Research Committee. Strong said members have been accepted. Jasek-Rysdahl said that Paul O'Brien is representing SEC and John Garcia is co-chair. Also Harold Stanislaw is serving on this committee. Provost Strong noted that the administrators are Halyna Kornuta, Gina Leguria, and James Tuedio. His office will set up a meeting as soon as he gets back.

**c. GE Goals**

Marshall offered some comments about the GE goals. After 3 years of campus-wide discussion, approval of

the GE APR and implementation plan, it's time to formalize the first item of the plan which is revision of GE goals. One reason is to follow the spirit of the EO#1033 to revise GE in terms of LEAP, and to express more accurately the complexity of the GE program and student learning outcomes. They tried not to throw away the old goals, but rearticulate them into three categories, skills, knowledge, and integration of knowledge. Seven goals are still present. Please talk to your departments to compare the old goals with the draft of the new goals. We hope to have a resolution before the end of the academic year.

#### **8. Open Forum**

Manrique noted that the ERFA will meet on April 26th, the same day as the next Senate meeting. Renning and Manrique will be attending a meeting on April 23rd, and will be reporting that we don't have retiree parking on this campus. Dieter Renning provided data from other campuses that have such policies. She reminded everyone that the Stanislaus ERFA donated 3 \$900 scholarships to this campus. When retirees come to campuses, they donate time and funds to campuses. We may be losing out when we don't have a retiree parking process.

Petrosky noted lots of rumors about the hiring process for the Endowed Chair for Finance and the Foster Farms Endowed Professorship. One is that tenure was given to the Foster Farms Endowed Professors without a recommendation of CBA faculty.

Strong said that they did offer tenure to the faculty member. Jasek-Rysdahl said the search committee didn't think it was for them to recommend tenure. Economics didn't make a recommendation on tenure, as they only had student evaluations from two classes. One was a graduate class so it was inadequate to compare with what they would normally look at to recommend someone for tenure.

Erickson said it seems like money for this has been taken from the restoration funds in the budget and now we're being asked to cut our share from the budget since we've used restoration funds to make hires. Is that a correct statement?

Strong said the Academic Affairs has been given funds from the University. He will defer this to Giambelluca. Giambelluca said that part of our normal budgeting process is that we hire this endowed professor, and we have allocated money for that purpose.

Filling reported that his department recommended against offering tenure at hire to the endowed professorship candidate, and that the department's recommendation had very little to do with the candidate. The department has philosophical objections to bringing someone in with tenure as a full professor, and is also deeply disappointed by the search process which was redolent with failure to follow policy and disregard for the considered opinions of disciplinary experts.

Erickson said we spent enough on this position to hire two new faculty members.

Strong said that he gave an explanation to the dept. in detail as to why he recommended to the President why we offered him tenure. The search committee put forth the candidate; but the hiring is a different issue. This is not an issue of a rumor, as it is out there for everyone to see. Some may disagree with the decisions, but it's been done in a transparent fashion.

#### **9. Adjournment** 4:00pm