

<p>Academic Senate April 3, 2007</p> <p>PRESENT: Afonso, Bender, Brown, Carlstrom, Carroll, Covino, Davis, DeCaro, Eudey, Filling, Garcia, Grobner, Hall, Janz, Jibby, Johnson, Kim, Lawson, Lindsay, Manrique, Mantz, Morgan-Foster, Nagel, Nelligan, O'Brien, Petratos, Riedmann, Robbins, Routh, Sarraille, Silverman, Stessman, Tan, Taniguchi, Thompson, Tuedio, Werling</p> <p>PROXIES: Sundar (Clarke), Olivant (DeCocker), Peters (Garza), Wikoff (Keswick), Russ (Shawkey), Watkins (Sniezek),</p> <p>GUESTS: Carl Bengston, Carl Brown, Suzanne Burns, Tom Carter, Diana Demetrulias, April Hejka-Ekins, Marjorie Jaasma, Gary Novak, Al Petrosky, Armin Schulz, Kathy Shipley, Ted Wendt</p> <p>Recording Secretary: Diana Bowman</p>	<p>10/AS/07/FBAC—Budget Priorities Resolution, APPROVED</p> <p>11/AS/07/SEC—Liberal Studies Reorganization, APPROVED</p> <p>12/AS/07/SEC—Strategic Plan, FIRST READING</p> <p>13/AS/07/RSCAPC—Research Misconduct Policy, FIRST READING</p> <p>President's Diversity Committee Resigned</p> <hr/> <p>Next Academic Senate Meeting: Tuesday, April 24, 2007 2:30-4:30 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by:</p> <p>Steve Filling, Clerk</p>
--	---

1. Call to order at 2:35 pm.
2. Approval of Agenda approved
3. Approval of Academic Senate Minutes of March 20, 2007 - approved
4. **ANNOUNCEMENTS**
 - a. Filling announced we have a tentative agreement between CSU and CFA. A General meeting of CFA members will be held after Spring break. Ratification will be mid to late April. CFA still plans on going to Sacramento to explain why it is disproportionate to increase our student's fees 10% when others do not have that large an increase. Also, compensation of executives is still a concern. Eudey thanked CFA representatives for their hard work.
 - b. Schulz reported Faculty in Residence applications are being accepted.
 - c. Sarraille reported the first annual awards reception is being held. The previous dinner has now turned into a reception. It is on May 3, 4-6, in the JSRFDC Reference Room.
 - d. Spring break is next week, April 9-14.
 - e. The nomination letter for GF/AS committees for next year went out to all faculty. If you would like to be added to the ballot, a petition is needed. Ballots will be distributed April 16 and are due April 20, with ballot counting at 1:15 on April 20.
 - f. There are only two AS meetings left (April 24 and May 8).
 - g. The Spring General Faculty meeting is Thursday, May 10, 2:30-4:30 in JSRFDC Reference Room.
 - h. There has not been a renewal of the Ethnic Studies search, so the President's Diversity Advisory Committee resigned. The committee has made a request to continue to function under faculty governance.
 - i. The Warrior Book submission deadline is this Friday, so please send submissions by that date.

5. QUESTIONS ABOUT REPORTS

None.

6. CONSENT ITEM

a. 11/AS/07/SEC—Liberal Studies Reorganization

RESOLVED: that the Academic Senate, California State University, Stanislaus approve the attached recommendation of the Ad Hoc LIBS-to-COE Reorganization Committee; and be it further

RESOLVED: that this resolution be submitted to President Shirvani for his approval.

RATIONALE: The Policy on Academic Reorganization requires

- 1) that the SEC forward the report of the ad hoc committee to the UEPC and FBAC, and that each of these committees make its recommendation to the Senate,
- 2) that the Senate review the proposal, the UEPC and FBAC recommendations, and the recommendation of the ad hoc committee, and
- 3) that the Senate forward its recommendation(s) to the President to be accepted or rejected.

The ad hoc committee unanimously supports implementation of the proposed reorganization, and the UEPC and FBAC have indicated agreement with the recommendation of the ad hoc committee.

Discussion:

Sarraille explained the ad hoc committee studied the proposal to move Liberal Studies from the College of Humanities and Social Sciences to the College of Education and their recommendation was unanimous to make the move. The SEC sent the proposal to UEPC and FBAC and both supported the recommendation of the ad hoc committee. Per the Reorganization Policy, the request then comes to the Senate for action.

It is on the Consent agenda because SEC felt this was not controversial. But, if there are objections, it can be a First Reading. There being no objection, resolution passed by consent. The request now goes to the President for action.

7. ACTION ITEM

a. 10/AS/07/FBAC—Budget Priorities Statement (Sense of Senate)

Sarraille explained FBAC took the suggestions from the last AS meeting and made changes as follows:

BE IT RESOLVED, that the Faculty of California State University, Stanislaus affirm the commitment of the CSU to public access to affordable high-quality instruction, and be it further

RESOLVED, that the Faculty's major priorities for institutional budget allocations are those essential to the academic mission of CSU Stanislaus, including (with no relative ranking implied):

- maintain or increase access to qualified students
- maintain or reduce the student/faculty ratio by increasing the number of tenure-track faculty
- increase the ratio of tenure track to contingent faculty by increasing the number of tenure-track faculty
- ~~· fund faculty positions to ease implementation of the Faculty Workload Agreement~~ fund adequate assigned time to allow an average of 20% of workload for research, scholarship and creative activities
- provide equity or market pay raises for faculty and staff whose pay lags significantly behind other similar institutions.
- provide competitive faculty salaries and incentives to:
 1. recruit the best possible faculty
 2. address compression and inversion issues
 3. recruit ~~thoroughly~~ broadly diverse faculty
- retain and appoint sufficient numbers and quality of non-faculty staff to effectively support the core instructional mission;
- support library acquisition and operating budget to ensure access to appropriate resources for all students and faculty;
- support academic equipment, technology and infrastructure budgets to fully accommodate the teaching, research and creative activity, and service functions of the university;
- support professional development and travel required for such development;
- fully funding the Office of Research and Sponsored Programs and positions related to grants and contracts, so we are in a position to secure funding and have the appropriate assistance and oversight; and be it further

RESOLVED, that the Academic Senate, the Faculty Budget Advisory Committee, and the faculty members of the University Budget Advisory Committee should serve as the Faculty's representatives in the budget planning process and should participate in all budgetary discussions and decisions through the entire process of budget planning, allocation, and re-allocation of the university budget, including the apportioning of its budget among specific university divisions, and be it further

RESOLVED, that the University Budget Advisory Committee should continue to function to advise the administration on fiscal decisions, and be it further

RESOLVED, that ~~decisions involving program elimination, new programs, or reorganizations~~ any major change affecting the instructional mission be made only after consultation with appropriate faculty governance committees and include open and consensual processes that consider the viewpoints of all affected parties, an analysis of the costs and benefits, and the effects on CSU Stanislaus as a whole, and be it further

RESOLVED, that the priorities above shall apply to academic year 2006/2007 and all subsequent years until further notice.

RATIONALE: The faculty of CSU, Stanislaus want to affirm our budget priorities, which can contribute to strategic planning and everyday budget decisions. The first two resolved clauses deal with priorities for the institution, and the next three involve procedures to ensure faculty input in decisions related to the budget.

Discussion:

Thompson thanked FBAC for their work and voiced support for the amended resolution.

There being no further discussion, the question was called and the resolution passed unanimously. This will now be sent to the President for his information.

8. FIRST READING ITEMS

a. 12/AS/07/SEC—Strategic Plan

It was MS Lindsay/Johnson:

RESOLVED: That the Academic Senate of California State University Stanislaus endorse the attached Strategic Plan, and be it further

RESOLVED: That the Academic Senate of California State University Stanislaus urge the President to endorse the plan.

RATIONALE: The University developed and approved prior strategic plans in 1997 and 2005. Upon assuming the presidency, and wishing to build further on the existing framework at California State University Stanislaus, President Hamid Shirvani initiated a successor strategic planning process for moving the university to the next level of accomplishment and excellence. The Plan has been developed through extensive consultation with, and cooperation of, faculty, staff, students, administrators and community members.

After endorsement by the Academic Senate and approval of the President, the Plan will guide the University's actions for the next five years; colleges and divisions will be expected to align their own priorities and plans with it.

The budgetary process will be redesigned to ensure a direct link to the Strategic Plan and the allocation of specific revenue sources to support the stated priorities. Similarly, the Office of Institutional Research will provide ongoing assessment of the strategic actions, and campus leaders will provide annual reports to the President about the effectiveness of the actions and the quality of outcomes. Each element of the Plan will be fully implemented in the next five years. The Provost will summarize accomplishments and assessment outcomes for presentation to the campus community.

Discussion:

Lindsay reported that this document has spent a considerable amount of time in all the major committees, and it is in a form that administration and faculty agree upon.

Johnson expressed appreciation for the faculty committees that worked on it and especially to Speaker Sarraille who spent a lot of time examining it. She agreed with Lindsay that lot of time was put into it and we managed to develop something all parties agree to.

Olivant stated he feels the Strategic Plan is a sound plan but half is missing and that is the right half. On line 483 under 3.4, "Maintain an aesthetically pleasing campus environment that supports opportunities for students, faculty, staff and community members to engage," seems passive. He proposed using the words stimulating or inspiring rather than aesthetically pleasing. And creative could be included along with global entrepreneurial. And maybe at the end of the sentence to add "and to give the campus a distinct identity." Also, the list of activities seem weak. Also, effectiveness indicators seem rather indirect. Maybe include things like, implication of public sculpture campaign, making the arts more visible, reviews of campus visual art and performance, quantity and quality of art on campus would be indicators as well. And maybe create an Arts Committee on campus.

Taniguchi suggested under 3.4 on page 27, line 483 aesthetically pleasing, say "environmentally sensitive" and line 501 and 502 effectiveness indicators, say "use of sustainable technology and techniques." Line 637 add after adoption, "while preserving the effective strengths of the past."

O'Brien stated because of the Ethnic Studies position and today's announcement of the resignation of the Diversity Committee, he was going to make a motion to strike the word "Diversity" wherever it appears in the Strategic Plan because it is rhetoric. But in reading the document, the word "Diversity" is not mentioned except once. So, he stated his original intent is null and void.

Eudey thanked O'Brien for his comments. She noticed two places the word "diverse" is offered. Page 16, 1.1 it says "Continue the tradition of engagement to enhance the overall success of a diverse body of students." And page 21, "Recruit and retain a diverse and engaged professoriate." But, in none of the activities or indicators do we say anything about what we might do or measure that would increase diversity. She stated she would like it to be in a couple of action plans, but no language comes to mind yet. She suggested on page 22, under 2.3, if we talk about diversity, it should say diversity of staff. Page 20, line 228 say, "continue to evaluate our GE program" not "seek to revamp or restructure." Page 26, line 447 and 449, it seems the action and first activity are the same. One or the other should be beefed up. And the Action should say "increase the quality or numbers of partnerships."

Tuedio stated this has to do with student participation so he suggested wording "expanding the partnerships to increase the quality and diversity of our students."

Sarraille asked Senators to send exact language to Sarraille or Bowman and it will be shared with SEC for incorporation into the document.

O'Brien referred back to Eudey's point. He stated this was discussed in the College of HSS meeting. Regarding re-examining GE, he stated in his department, this is being done. Line 235 "Assess the design and delivery of the general education program, including factors such as information literacy global awareness, civic engagement, and sustainability, among others;" Is that it? He asked why not keep that in and throw out line 228. Then under line 238, are we thinking about starting a new assessment policy for GE or do we already do it in program reviews and GE Subcommittee? It seems very redundant to what we are already doing which is also in line 241 (GE Director). Don't we have that in the GE Subcommittee? Are we going to appoint a director to tell the chair of GE Sub what to do?

Garcia stated as much as he would like to support this SP, he is concerned with the frame we are using with the three themes. The third theme "The University and the community," what does this mean? And line 24 and 25 "prompt us to augment these commitments by realizing our potential as an agent for positive change through partnership with the community." Is that it? When one looks at number 3 in strategic actions, only two speak about partnership. We are missing something here about our relationship with and connection to the community. Those items that do talk about partnerships, line 544 under 3.7 "develop partnerships and create a college town environment," what does that mean? And line 572 "develop a knowledge-based research center focusing on land and environmental policy and planning," how was that developed and how does it fit with the community?

Olivant questioned line 69 "...while encouraging an entrepreneurial and technological approach to program development...". This frames things as profit or loss. He suggested something like "innovative." He also suggested a creative approach to program development, and added he's not sure what a technological approach would be.

Afonso questioned page 30, 3.9, line 597, "update website and print media publicizing the university and its achievements," and asked we include activities open to the public, such as plays, gallery openings, etc.

O'Brien added that on line 261, "growth of effective language learning opportunities," how do you operationalize it? It needs a better word.

Thompson asked for clarification of the process. His understanding is that these changes will go back to SEC. SEC will discuss with the Provost (representing administration). Then, changes would be made and then when it comes back for the second reading, there could be no changes to the document, only to the resolution. Sarraille agreed. There is a window today for input that can result in changes to the document. It will be brought back here to be voted up or down. Or other motions could be made for example, if it needs more study, a motion could be made to continue to study.

Taniguchi questioned line 574 on page 29 "link key corporations more formally to campus." She would rather see "explore opportunities for the university-business cooperation." And on line 600 "publicize the university through increased use of campus radio, television, and student newspaper," add "public radio and television."

Olivant questioned line 49 "...serving the region; our fortunes depend upon our ethical, engaged, inter-related activity." What does that mean? Maybe say, "interpersonal activity."

Hejka-Ekins, an advocate for Stockton, questioned line 380 "continue the development of the Stockton Center." She advised that people are very upset for Stockton and how it is marginalized. The staff and budget have been cut, there is no advisor, no budget for marketing and recruiting. She stated her shock to hear how badly we serve that area. For decades, we have dropped the ball. We need to figure out how to put needed resources there so that we can go forward. If not, we're going to lose Stockton. We need vision and leadership. Stockton is part of our 6 county area and we should be serving it.

Taniguchi suggested the following wording under 2.7 Activities "provide effective, committed onsite leadership, instruction and staff." And on line 404, add "support effective governance currently in place."

Covino followed up by saying he met with the Stockton faculty a few weeks ago, and he understands what Hejka-Ekins is saying. Further, they have been making as clear a commitment as they can to looking at the Stockton campus, but they need to look at productivity there as separate number so we can assess what kind of growth and potential there is. He is working with the deans with plans to create multi-year degree programs for Stockton. We need to keep our promises. What has happened in the past is that we've offered handouts, but not offered the courses. This needs to be an ongoing discussion. He was surprised to learn from Director Hamlett and others that some programs were no longer in Stockton. He will be asking when the deans present their next year plans and years that follow. But he noted, we are in a zero sum game. If there is an allocation of x dollars, we have to decide where the money will go. If it goes to Stockton, that will cut money to the Turlock campus.

O'Brien asked about the zero sum game stating if we can grow Stockton, we will get more money. Secondly, regarding Taniguchi's comment about faculty governance. He brought that issue back from SWAS. Schulz is working on language for the URPT letter regarding faculty governance. But under 2.2 "recognize faculty for leadership, service, and achievements," line 314 seems buried. He suggested adding a line before 316 that states "faculty participation in governance."

Nagel questioned line 268 "recruit and retain a diverse and engaged professoriate." When that term comes up, does it deliberately exclude lecturer faculty? He suggested changing it to "faculty." Line 276 "support pedagogical development for junior faculty." Why only junior faculty? Why not include lecturers? Lines 282 and 283, "mentor full-time and part-time faculty and increase opportunities for participation of lecturers and other contingent faculty." It doesn't say participation in what. And what are other contingent faculty? Sarraille indicated he wondered if it might mean coaches. Nagel suggested saying "non tenured faculty."

Filling noted that given the provost's understanding that we need to keep our commitments in Stockton, he should be aware of something. College of Business Administration faculty have been prompted to develop schedules for classes in Stockton but have not been guaranteed classrooms. Faculty have repeatedly pointed out that we need to be able to keep our commitments in Stockton but have been advised by Stockton marketing staff that, "the schedules are just a template, not a guaranteed offering of courses."

Covino stated this is a great process to be a part of. There have been lots of collaboration and good intentions. But he had asked SEC under 3.1 activity bullet "reduce the structural deficit to zero by the end of academic year 2007/08" to not include that because although the term has been used informally to describe and explain our budget conditions, it could be misinterpreted by the larger community to suggest the University is in dire straits. He stated it is important not to create a misunderstanding in a line like that.

Filling reiterated he understands not wanting to scare people, but colleagues have been told we could not hire new faculty, can't have more money, etc. because of the continued structural deficit. That term was used in cutting spending and it should be in the Strategic Plan.

Thompson stated that SEC was really torn about this and spent a lot of time discussing it. There was this very large factor we have been beat over the head with that term, then we got the message this can't be in the SP. Also, he would like to know if the President would sign off on a strategic plan with this bullet in it. Third, we do need the advice of the Senate about whether this should stay in or not. That is one of the main reasons the bullet is still here.

O'Brien added SEC did discuss, debate and disagree about it. This discussion is accurate that faculty were forced to reduce desires and spending due to this and now that it is an inconvenient phrase, it should be banished? He stated he doesn't want to damage the university, but he would like to see honesty.

Stephens stated defining the structural deficit, it was a way to describe if we have certain ongoing expenses, the best position to be in is that we have enough base money to cover base expenditures. Since budget cuts, we have not been in that situation. It would take a couple of cycles of growing. That doesn't mean we have not had growing expenses over the last few years but some were funded with one time money. So that is what we mean by a structural deficit. We don't want to grow faster than what we can manage. Further, she stated her concern with that language is she can't assure faculty in 07/08 we will be where we won't have a structural deficit. With one exception. If this passes, the message given is we have to cut somewhere else. It would be an intended consequence.

Covino stated if this bullet is in the SP, he would advise the President not to sign it. He also agreed with what Stephens said. Multi-year budgets have been under review by FBAC and he has been in discussions with them. UBAC has been reconstituted to reassume its role in budget oversight. The budget for Academic Affairs did increase substantially from last year to this year and we will increase again next year. The President is committed to reinstitute the market equity program next year. There has been some faculty growth. We are providing funding for enrollment growth. We have to keep fighting for this. As economies have been put in place, there have still been significant increases in the budget. There have been new faculty computers, new faculty positions, department and college operating budgets will increase, and we are providing money for enrollment growth. Faculty compensation is the highest priority. That said, we are moving in the right direction and it is inappropriate to indicate otherwise in the SP.

Lindsay explained the structural deficit is not an accounting term and probably not an economics term either. He stated he argued in SEC to remove the bullet based on President Shirvani's comments to us at the last AS meeting. He said the structural deficit would be closed as of next year, so it would not be a multi-year problem and it should not be in the SP. But, if what Stephens and Covino said is true, that the structural deficit will not be closed next year, it is a multi-year problem. If the term structural deficit means something at campuses such as CSU Sacramento and CSU Stanislaus, and assumedly within the CSU, why should we be fearful of having it in a WASC document when WASC is familiar with the CSU system?

Demetrius stated her concern is this is a public document which we must submit to WASC. The use of "fiscal deficit" triggers a fiscal audit which we don't want. She suggested a separate resolution that could address this concern, but not in the SP.

Thompson replied it sounds a little deceptive. But the question he has is, if we are not intending to reduce the structural deficit to zero, is there something we are intending we reduce to zero? Covino replied, the unhappiness quotient. Morgan-Foster stated it seems rather short sighted. If we have a budget problem we should tackle it. We could discuss the fiscal integrity rather than the structural deficit. We should say what we want, not what we are afraid of.

Johnson stated she has argued to get rid of it because as an accountant, it does not indicate what we are talking about. She stated when she first heard the term, she hated it, because she didn't know what it meant. A deficit means expenditures exceeds revenues, and that's not what is being talked about here. She thinks what it means on this campus is that our initial budget spending is not covered by our initial revenue. But then adjustments are made, so we end up changing the numbers so that we don't end up in a deficit. If reading it from the outside, it looks like we are operating in the red. We could say something about addressing our need for funding so it covers important aspects we would like to continue to fund and do it in a way it is more precise. Covino agreed.

Nagel thanked Johnson for clarification. He tends to agree with the new formulation with similar semantic content. It seems including that term was a way of appropriating a term used in rationales for spending to faculty priorities.

Bender added the goal for any institution is to have a balance base budget but the bigger question is given the fact that we know there will be salary savings that occur, then what do we do with the money at the end of the year. The SP should address that.

O'Brien suggested this is rhetoric gone wild and it's not just on this campus. Other campuses are also reporting a structural deficit. It was a tool used to tamp down expectations off faculty and staff. We agreed to it and now it is over. We can go on now.

Covino agreed with Bender. He has been working with deans to get us back on track. Ideally, we should be rewarding ourselves with good management. He stated he is trying to decentralize salary savings. As we now get closer to solving our problem, it makes sense for the savings that are generated to be returned to colleges and departments for use in funding their highest priorities. He stated that is certainly his intention.

Filling pointed out what he has heard today is if we put the bullet in the SP, we must have spending cuts in our budget, but if we left the bullet out, then we wouldn't have to. He also noted that if one follows VP Morgan Foster's logic that "we are making progress on reducing the structural deficit, therefore it would be inappropriate to include it in the strategic plan," we should probably not include developing curriculum or anything else we are "making progress on".

O'Brien questioned line 419 "grow at a median rate of 3% full-time equivalent students (FTES) per year, simultaneously improving instructional quality and fiscal well-being," was brought back from SWAS. But some of this could be fixed under line 445 "university financial reports." He suggested everything should be on line and transparent. We are a state institution and we owe it to the taxpayers. If it is transparent, it is less programmatic. Carroll suggested adding that language to the SP.

Sarraille stated SEC will take suggestions under advisement. Any suggested wording, please email to him or Bowman.

b. 13/AS/07/RSCAPC—Research Misconduct Policy

It was MS Nelligan/Taniguchi

RESOLVED: That the Academic Senate of California State University, Stanislaus approve the attached revised Policy and Procedures for Responding to Allegations of Research Misconduct to replace 13/AS/97/RS—Scientific Misconduct; and be it further

RESOLVED: That 13/AS/07/RSCAPC take effect upon approval by the President.

RATIONALE: California State University, Stanislaus is committed to adhering to the highest standards of integrity in proposing, conducting, and reporting research. Additionally, federal regulations require the Univer

On June 16, 2005, the federal government issued a final rule of its revised regulations pertaining to research misconduct, 42 CFR Parts 50 and 93. As campus policies and procedures are required to conform to federal law, the CSU Stanislaus policy and procedures have been revised to reflect the change in federal language (*scientific to research*) and regulations. The CSU Stanislaus policy and procedures apply to all individuals engaged in University research activities. Research misconduct does not include fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include the data.

The policies and procedures on research misconduct are steps in an academic peer review and fact-finding process, facilitated by the Research Integrity Officer. Principles of basic fairness and confidentiality are maintained throughout the process.

The attached would replace the current Policy and Procedures for Responding to Allegations of Scientific Misconduct (13/AS/97/RS).

Discussion:

Nelligan stated he read the prior version many times, followed some of the discussion and this one is a vast improvement. It balances the rights of faculty that might be accused of research misconduct with the rights of the university.

Senior explained the RSCAPC spent the last two years writing this document. They revised the document to reflect changes to federal law. Also, the committee had many visitors and discussions with others about the

content. T. Carter and C. Watkins were both very involved. Burns advised the committee presented various drafts of the policy to UEPC and GC several times and this document is a result of collaborative efforts.

Carroll stated this is very good policy. But, it does look different than when UEPC reviewed it. One thing that is unclear is on page 36, section 5, C. the meaning of "clear and convincing." Senior replied it is somewhere between reasonable doubt and preponderance of evidence. It makes the decision process much clearer. Sarraille stated he also worked on the document and it is his understanding there is not really a specific definition of "clear and convincing." There is in our courts the notion of preponderance of evidence that is the legal civil proceedings standard. The criminal standard is "beyond a reasonable doubt." If you read how "clear and convincing" is defined, it is between those two things. Burns stated it is important to note, the rule came from the National Institution of Health and does not require "clear and convincing." They recommend "preponderance of evidence." Faculty have asked for a more stringent standard. It is not a criminal investigation, but research misconduct is a serious matter.

Carter added that our prior policy says "preponderance of evidence." There are federal standards which would apply to serious infractions. Our policy will apply to all possible research on this campus, not just public health issues, so we have to find a balance that satisfies public health regulations as well as how we deal with the raw issue of research misconduct.

Thompson asked three questions: page 56, section 17, b 1. the respondents timeline allowed for comment and rebuttal, seems very short. The respondent might need to talk to legal counsel, outside peers so it is unfair to have such a short timeline. Secondly, section 5 under definitions, A, Administrative Action. He stated he had a hard time understanding what it means. Maybe have an example. Thirdly, Appointment of the (section 6 A 4) "the research integrity officer will appoint the inquiry and investigation committees ..." This was discussed in SEC and they wondered if the appointments could be in consultation with COC. SEC was told it was a matter of confidentiality, but it seems like confidentiality should not be the governing issue here. They could insure that members would have the appropriate expertise. And on page 44, 12, B, 1 Committee Membership, do you have to explain the case and who is involved in order to recommend members with expertise? Could it be generic enough to allow COC to appoint?

Burns stated the 10 day timeline is set forth for initial inquiry and investigation in NIH guidelines. It is important for us as a university that has external funding to have a policy in compliance with NIH guidelines. Thompson questioned if we are prohibited in changing the timeline if we get funding and Burns replied it would not comply with the NIH guidelines. Sarraille stated procedurally speaking, these considerations should have documentation that AS should have. This puts the AS at a disadvantage they have not been able to look at the principals being talked about because they could be open to interpretation. He suggested Burns add citations to the document. Garcia stated a lot of committees have worked on this document and AS should trust the committees. Sarraille agreed, but some of this is a matter of interpretation and Senators should have the information.

Petratos questioned page 69, first line, "If an allegation was not made in good faith, the Deciding Official will determine whether any action should be taken against the complainant. This might open the door for abuse given it specifically mentions allegations. Senior replied it means complainant has to know this. Nagel stated the grievance procedures are in flux and whatever happens to Senate Bill 1212, implementation could really screw this. It seems as though if someone makes an allegation in bad faith, that person may grieve. Another issue is the document doesn't say whether the research integrity officer would be administration or faculty. Burns replied the President designates the research integrity officer and in the past it has been the vice provost. Although the President can change his designation. Nagel asked if leaving the ambiguity in was deliberate and Burns replied she would defer to the provost or vice provost.

Taniguchi questioned page 45 under 4, objection by the respondent "The respondent has 5 days to submit a written objection to any appointed member of the inquiry committee or expert. If there is an objection, the Research Integrity Officer will determine whether to replace the challenged faculty member." She asked if it were possible to challenge the replacement. Further, she suggested if so, there be language to that effect.

Wendt replied to Thompson's question about the 10 day response for respondent. It is standard for 10 days for response. While it might not seem fair, actually it seems to work out quite well. Keep in mind that the respondent is not coming into this unaware. They will be involved in the process so by the time there is an actual report given to them, a lot of the report is already known to them.

Novak questioned page 1 under Research Misconduct Defined, says the definition has been adopted but it doesn't say from where. Is it something we already had or is it from the federal guidelines? Burns replied that is what we are proposing right out of NIH guidelines. We had citations throughout document but were told to take them out. We are open to putting some back in.

Carter added part of what is going on in the rest of the paragraph is there is a potential problem if we indicate our definition is the federal definition and some time in the future the federal definition changes. We would then leave ourselves open to the problem of, can the respondent stipulate a certain year they want to use. He stated it might be better unspecified to prevent definition shopping.

Demetrius responded to the question of appointing of committee membership. Confidentiality is a huge issue with this type of thing. The officer is charged to protect the respondent and complainant. There are timelines on each of levels of review and in order to expedite the process, we don't want to drag it out. There is a short time period to identify faculty expertise. And there could be issues over the summer when COC aren't available. It just doesn't seem workable, there's no advantage and it could jeopardize confidentiality. Also, COC might not know if there is a conflict of interest issue unless they're given a lot of information. The integrity officer is there to Shepard the process.

Watkins agreed, adding she didn't see how it could be generic enough if COC did it. Carter advised the current issue of Nature has an article titled confidentiality and research misconduct that might be of interest.

Robbins questioned when talking about the 10 day notice, are we talking about working days or calendar days? And, does it start the day notice is given or the next day?

Burns reinforced the issue about confidentiality and having an expeditious process in place. Even if confidentiality is not an issue, there would still be an issue how to get the committee assembled and still comply with federal guidelines. Also, to reply to Taniguchi on how many times the respondent can object, the answer is once. It is important to not only comply with federal guidelines, but also to make sure in the best interest of the integrity officer to have an unbiased committee so it does not result in a grievance.

9. OPEN FORUM

Thompson asked that the issue of placement of the Diversity Committee be referred to COC. The memo from the President's Diversity Advisory Committee demonstrates that they have lost faith in the placement of this committee under the President. In reviewing the memo from the President's Diversity Advisory Committee, it must have been a very difficult decision for them to resign. Rather than asking COC to review this issue, he would ask the Speaker to respond to this with haste as to how we can get this group reconstituted as the Faculty Diversity Advisory Committee. Sarraille replied the SEC can create ad hoc committees if we need to act quickly. We can confer and if it needs to be done quickly, we can discuss over email.

Eudey advised the committee sent a message to COC with some ideas on that very topic. This is our responsibility as faculty, not the provost's or the president. Even if there is a President's Diversity Committee, we need to take responsibility as faculty. Covino agreed to Eudey's remarks and he stated he will be happy to help in any way.

10. ADJOURNMENT at 4:43 pm.