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| <p>Academic Senate May 8, 2007</p> <p>PRESENT: Afonso, Bender, Brown, Clarke, Covino, Davis, DeCaro, DeCocker, Eudey, Filling, Garcia, Garza, Grobner, Hall, Janz, Jibby, Kim, Lawson, Lindsay, Mantz, Mayer, Morgan-Foster, Nagel, Nelligan, O'Brien, Petratos, Riedmann, Robbins, Routh, Sankey, Sarraille, Shawkey, Silverman, Stessman, Tan, Taniguchi, Thompson, Tuedio, Watkins, Werling</p> <p>PROXIES: Filling (Carroll)</p> <p>GUESTS: Bettencourt, Clapper, Demetrulias, Jaasma, Noble, Schulz, S. Stryker, Wendt, Whitman</p> <p>Recording Secretary: Diana Bowman</p> | <p>14/AS/07/Ad Hoc--Web Accessibility Plan, APPROVED</p> <p>15/AS/07/FAC—Lecturer Evaluation Policy, APPROVED</p> <p>16/AS/07/SEC—Resolution on Campus Sustainability, APPROVED</p> <p>17/AS/07/FAC—Intellectual Property Rights Policy, APPROVED</p> <p>18/AS/07/Mayer—New Catalogue Attendance Policy, REFERRED TO UEPC</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>Tuesday, September 25, 2007 2:30-4:30 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by:</p> <p>Steve Filling, Clerk</p> |
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1. **Call to order** 2:38 pm
2. **Approval of Agenda** - approved
3. **Approval of Academic Senate Minutes of April 24, 2007** - approved
4. **ANNOUNCEMENTS**
 - a) General Faculty meeting is Thursday, May 10, 2:30 to 4:30 in JSRFDC Reference Room.
 - b) Academic Senate agenda and minutes are now posted. Work will be done over the summer to update the web page.
 - c) IDEA evaluations are ongoing through May 18.
 - d) A Dedication and open house for the Harvest for the Hungry Garden is on May 18 from 1:30 to 2:30.
 - e) Filling reported the faculty voted last week on the contract and it was approved by about 94 percent. It goes to the Board of Trustees next week for their approval. And on May 19 is the Annual Faculty BBQ. Tickets are available from him and others.
 - g) Stryker, Chair of the Self Study Committee, gave an update on the WASC reaccreditation process. A proposal for the self study was accepted and will be used as a model for other universities. The next deadline is capacity review, June 8, 2008. Inquiry circles have been meeting and we are starting the first draft of the capacity review. He hopes to have a draft out by midyear. The website is up. He thanked Senators for their participation in the faculty survey of student engagement. There was a 40% response rate so far. A follow-up survey will be out soon.
 - h) Mayer announced this Thursday the NCAA Western Regional Softball Tournament begins. This is also the last weekend to see No Exit.
 - j) Eudey stated on behalf of the Ethnic/Gender Studies Department, she thanked Senators for their support. They now have a new tenure-track faculty member hired.

k) Thompson reported he sent a report from FAC on an item referred from SEC re: academic searches. He thanked Andy Young for drafting of the preamble. He stated his hope colleagues will look at the recommendations. The English Department had a retreat to discuss the Strategic Plan. One topic was RPT. With the timing of the meeting, that topic overtook the meeting. The department requested the Academic Senate next year make a statement about the importance and role of elaborations in the RPT process on campus.

5. QUESTIONS ABOUT REPORTS

Eudey stated there was mention in the UEPC report that IDEA forms would be made available for online courses. She asked if it would be available for non online courses as well. Sarraille replied he does not know the answer. Although UEPC approved going ahead with this, we haven't decided who would do this. It is a workload issue that has to be solved. He stated he doesn't know any more than what was in the report. Filling said UEPC agreed it would be tested next year. They didn't specify if it would be for only on-line courses, but that could be the logical conclusion.

6. ACTION ITEMS

a. 14/AS/07/Ad Hoc--Web Accessibility Plan

Sarraille stated a small amount of rewriting was done based on suggestions from the last Senate meeting. They are on page 10 of the agenda packet. The following sentence was deleted "Campus individuals responsible for web content development and maintenance will need to become knowledgeable of the accessibility requirements and the resources available to assist in ensuring compliance." The following sentence was added "It is the University's responsibility to provide sufficient resources, support and training to campus individuals responsible for web content development and maintenance to ensure compliance."

Nagel questioned in the Responsibility section, there is still ambiguity in it. It says "Each department will be responsible for understanding the web accessibility requirements and ensuring that those requirements are met." Who is responsible? The department chair? The administrative assistant? A committee? Sarraille stated he has been reading and it looks like this is nebulous, but the idea is that departments will look around for a person that would be good with this type of thing. It could be an administrative assistant, a student assistant, or a faculty member. Whitman stated in certain cases depending on structure, it can be pushed to another level. DeCaro asked how it is implemented. If it is an administrative assistant, it will require a lot of time, access to the web site is problematic, and knowledge of how to change and maintain that content may be beyond their ability. Departments are already understaffed, so this will be a burden. Departments will need funding. It is basically an unfunded mandate. Whitman stated the good news is that one of the things the Chancellor's Office has done is license software which will evaluate websites and highlight accessibility issues and to suggest remediation. The idea is that we have a tool that we can make available. The mechanics of doing it are still labor intensive. The same tool will become a part of the monitoring process. The problem we will have is keeping things accessible. OIT will do ongoing monitoring. The point that DeCaro raises is one that we all recognize. As a point of information, planning information needs to be submitted in June and in August. It deals with web, textbook and procurement policies. The first real deadline pertains only to administrative sites and for newly created /updated sites (September 1 accessible according to ADA). Not until Fall 08 do we expect new/updated academic sites. It is a five year plan. In 2009, all administrative sites have to comply and by 2012, all sites have to comply. The Chancellor's office has been okay about accepting feedback from the CSU campuses and modifying schedules. There is no CSU campus dealing with this well. We all have resource concerns and all are struggling.

DeCaro stated the second part of the procedures states that each department is responsible for the remediation of web content that does not meet accessibility requirements. Again, this puts the burden on departments without telling us how to accomplish it to be in compliance. Lindsay asked for the definition of accessibility. Does it mean we have an mp3 file for every webpage or that we have content that someone can find workable with a modem or what? Whitman replied it does mean that things have to be accessible to that person, e.g. videos must be closed captioned, etc. Whatever does the trick. The underlying principle encompasses things that 'can't be done.' Sarraille stated the question may be floating around is whether we are going to push everything or some will be pulled by the user. If someone has an exotic need, can we wait for that person to come around? Whitman stated that is a good question, but he doesn't have an official answer. Certainly he is inclined to think along those lines. The only flaw in saying that is the timeline issue. There is certainly a timing issue in the semester driven courses. Filling asked what about audioizing software? Who gets it? Who pays for it? Whitman replied it is built into Windows Vista, university licenses software in the Library/PC labs, our responsibility will be in open labs. Bettencourt added if students want to use the lab to access information, software would be in

place. If they do it in their home it, it is their responsibility. DeCaro stated in reality, the individual departments are responsible. It leaves the burden on departments. We don't know the cost involved. Sarraille replied it says the University is responsible in the last line of the Plan. Lindsay stated the next question is whether or not there is a limit on how far you have to go. Bettencourt replied best practice is the level we need to meet. There are specific criteria established by the online web consortium stating what best practice is.

Call for the question. Vote: Passed by voice vote. This will be sent to the President for action.

b. 15/AS/07/FAC--Lecturer Evaluation Policy

Sarraille advised there were no changes to the Policy. There being no discussion, the question was called. Vote: passed by voice vote. This will be sent to the President for action.

c. 16/AS/07/SEC--Resolution on Campus Sustainability

Sarraille referred to page 11 of the packet. Based on the discussion from the last Senate meeting, the following language was deleted from the Rationale "which should result in cost savings as costs for materials and energy steadily increase." O'Brien stated he distributed a two-page document. On one side it is a resolution from the SWAS on campus sustainability. This is equivalent to what is being discussed here. It will be voted on tomorrow in LA. The other side is examples. He stated he has talked to Vice President Stephens about the issue of more fuel efficient cars. If we go with hybrids, there are a lot of regulations. But, we could go with smaller cars. Fuel savings would be significant. Also the issue with paper use on campus is another concern. We could try to do two sided copies as much as possible. He stated it was interesting to hear the discussion at the last Senate meeting. There were a lot of good suggestions made. Eudey had suggested an oversight committee might be the way to go, but this was not added to the resolution. Taniguchi asked if he was suggesting the establishment of an ad hoc committee as part of the resolution and O'Brien replied he didn't know, but the Senate should discuss it. The resolution asks that we think about best practices of sustainability. But the resolution really has no teeth in it. Referring to the statewide resolution, it has lofty ideals, but there are no specifics there either. Eudey asked if we want to vote on this now and afterwards ask the Speaker to create an ad hoc committee or should language be put in the resolution? She added she wants to leave here knowing something will happen. Taniguchi recommended not putting language in the resolution to form a committee. There are too many questions left to address.

There being no further discussion, the question was called. Vote: passed by voice vote. This will be sent to the President for action.

d. 17/AS/07/FAC--Intellectual Property Rights Policy

Sarraille referred to page 12 of the agenda packet that has some wording changes. It relates to IPR as they apply to administrators, staff and students. Thompson explained the change made is in response to a request from Vice President Stephens to clarify language about staff. The language about staff was there in the original policy. Secondly, the question about the standard agreement form and removing the checkbox that said ordinary support. This was not removed as the form is not a part of the policy and also he thinks it needs to stay there because a faculty member could videotape a class and then retire and decide they wanted to let the university use the tapes. So even absent extraordinary support there may be a need for this form. Thirdly, another change not made that Stephens requested was about language concerning independent contractors. Part of her communication stated that when faculty are independent contractors assumption is that work belongs to whoever is contracting with them. Thompson stated that a consultant used by the CSU senate and by Stanislaus summarized the law as stating that work by independent contractors is not work made for hire unless the hirer and the independent contractor sign an agreement to that effect. It is pretty clear the language that work for hire does not ordinarily transfer to this situation absent explicit statements to that effect.

Taniguchi stated Thompson raised valuable points and asked if the policy could be amended. Sarraille stated no. Thompson added the information is already in there. It says work by independent contractors belongs to the contractor absent specific stipulation to the contrary. Sarraille commented that it does sound like we are not providing for the possibility there could be a signed agreement between the contractor and the university altering that relationship. Thompson agreed the possibility is there.

There being no further discussion, the question was called. Vote: passed by voice vote. This will be sent to the President for action.

e. **18/AS/07/Mayer--New Catalogue Attendance Policy**

Sarraille stated the attached page 13 has been amended by Mayer and Bull based on discussions from the last Senate meeting. It has been totally rewritten, no line in/line out. Mayer introduced the full time athletic advisor, Amy Leon. He stated that Amy is an example that the University is serious about taking care of student athletes and giving them the best possible experience. He explained in the opening paragraph, what constitutes a University sanctioned activity is defined. In the third paragraph the words ‘instructors must allow each student who is absent ...’ was changed to ‘instructors should make a reasonable effort to give each student who is absent’ The issue raised last time regarding number of absents and where you draw the line was defined as 15%. He is still concerned about retribution against student athletes and others missing class. Further, he stated he is offended by a document being passed around with examples of student athlete writing. This is not the norm. Student athletes have a higher graduation and retention rate than the general student population. He stated he has worked hard to address Senators concerns. Further, his primary goal is the academic success for our athletes.

Janz thanked Mayer and Bull for working on this resolution. He also voiced concern about the documents distributed. He finds this offensive in a public forum. Our athletes are among the best and brightest students on campus. The student government does support this policy. Mantz suggested a friendly amendment. Third paragraph after should, add “where practicable.” Second by O’Brien. Mantz stated the amendment will allay a lot of angst over faculty being compelled to do things. Eudey stated that this revision seems to take into account the majority of comments from the last Senate meeting. But, in reading it now, what if a paper is due on a date the athlete is out, is the paper still due on that date? There is a difference between missing a deadline and missing a class. This needs to be clarified. Nagel asked for a point of order asking if we have accepted this amendment as friendly. Sarraille replied a motion and second have been made and we are discussing the amendment. Tuedio suggests we figure out what sort of distinction is being dialed in here and whether wording is there. The implication is that everything is practicable. Mayer stated he thinks the purpose of the last paragraph addresses wherever practicable. It suggests responsibility for both faculty and students. Bender stated as he hears the amendment, where practicable speaks to how the course is conducted and reasonable effort speaks to the way the faculty member handles an absence. Brown stated if grading in class participation, his interpretation is that the student doesn’t have to do this. Davis added the instructor could have the student write a response to questions. DeCaro asked if the student would be penalized for not being there. From the amendment, it says when practicable, so what are the conditions making it impracticable and if they are penalized, can a student say they were on a University sanctioned activity and they could appeal? Filling stated the student appeals policy is clear in both the Faculty Handbook and Student Handbook. DeCaro replied that pertains to the final grade. Mayer voiced concern about the additional words. It takes the teeth out of it. Now faculty are going to suggest everything going on in class is practicable. The last paragraph talks about responsibility of the faculty and students. Thompson stated he thinks it needs to go in there for that reason. Such things as participation, giving speeches in front of an audience will lose their value as part of the course. He stated his support for the amendment. There was no further discussion on the amendment. Vote on amendment: 25 yes, 12 no, amendment passed.

Back to the resolution as amended. O’Brien thanked Mayer for rewriting the Policy. He stated he likes the addition of 15%. Morgan-Foster also thanked Mayer. She asked Senators to not lose site it applies to other students, not just athletes. She also pointed out that coaches are also faculty members and they care for their student’s success. She also voiced she is troubled by the handout as well. It is offensive to our student athletes that are in attendance. Thompson stated he takes issue with those that are taking offense. The distribution of the paper may be inadvisable, but we have history when we have difficult resolutions we are dealing with, we not only speak to logic of the resolution but we depend on emotional appeals and ethos. Mayer brought in student athletes at the last meeting and today the athlete advisor and more student athletes are here, so this opens the door for other emotional arguments. Secondly, he stated he wants to speak against the resolution. He thanked Mayer for the work and revision, but the level of revision shows if there is going to be change in the policy, we need more time taken to make changes and a broader discussion. Plus, with the amendment, there is no substantial change being argued now. Just a lot more language to argue. In essence, it doesn’t change anything from the current policy. Nelligan commented that the revisions go a long way but there is a problem on the third line in the paragraph under the amended policy. It goes to a place it shouldn’t go to. It implies the right for students to make up work for a legitimate absence. He’s unsure if that right already exists. He stated he’s advised students to drop classes if they are up to missing a lot, even for good reasons. He suggests we strike the extra verbiage. It would then read “Students are responsible for making up work missed as a result of participation in university sanctioned activities.” O’Brien seconded the amendment. Sarraille replied he’s not sure this is viable since the proposed policy would substitute the current policy. His concern is the new policy wouldn’t cover everything it needs to cover if we accept Nelligan’s amendment. It only covers athletes and performers.

DeCaro explained the handout he distributed did not have names listed. Sarraille ruled any further discussion on this issue at this time was out of order, and that discussion should be on Nelligan's proposed amendment. Clarke stated that sentence implies students have the right to make up this work. Riedmann agreed that taking it out is a good idea as it implies legitimacy and should be up to the instructor to decide. Filling agreed with Thompson the way it is worded, the amended policy does not address everything needed, since it replaces a policy. Taniguchi added that the current policy is easier to deal with. Also, coaches also set attendance policies. We need to exam this from the standpoint of all faculty including coaches. What we are dealing with is students are being caught between two different instructors, the instructor for the class and their coach. Taking out the wording does bring it closer to the idea of university sanctioned activities competing against each other. Lindsay clarified that this policy seems to refer to the instructor of the class, not the coaches. Mayer agreed it refers to the instructor of the course. Petratos stated that the policy should not just address student athletes. Mayer stated since the amended policy replaces the current policy, he recommends keeping the language in. It is to value those University sanctioned activities as much as what we already take for granted. The 15% also plays into it. Nelligan replied there is nothing in the current policy that distinguishes between legitimate and not legitimate. If we adopt the new policy, it implies there is a certain classification of students and they demand make up work. Eudey voiced we do have a greater obligation to give student athletes/musicians accommodations for University sanctioned activities. They are representing our institution. Making a reasonable effort is fair. She suggested the first two sentences of the amended policy should stand as written, but then add the first sentence of the second paragraph "It is the student's responsibility to give the instructor notice prior to any anticipated absence and within a reasonable amount of time after an unanticipated absence." Then continuing as the group had hoped with the amendment, getting rid of the 'legitimate' language.' Tan stated she favored leaving the language in, further asking what the definitions are regarding illness, family emergency, etc.

Vote on amendment: Failed by voice vote.

Wendt wondered if the third paragraph doesn't have an unintended effect of introducing an absolute right to miss 15% of classes. Only if it exceeds 15% does it have to be approved by the faculty member. 15% is 6 one hour class meetings. It seems like a pretty liberal standard. Taniguchi agreed stating it would also be 2 three hour night classes.

Thompson moved to refer this to the UEPC. Riedmann seconded. Thompson stated his reason comes out of a desire to have it done the right way. Maybe it should have been sent through the full faculty governance process in the first place. But too many things are not clear. Janz voiced concern that in the past, this policy was referred to committees and died there. Mayer reminded Senators this amended policy would not have been brought here without abuses. He worked hard to address Senators concerns. Nagel spoke in favor of sending to UEPC. The issues from today shows this is a complex problem. Riedmann agreed, stating although she appreciates the hard work of Mayer, this amended policy opens up new problems. The current policy is only five lines long and it says about the same thing as the amended policy, but the original policy is much clearer. Bull stated there are a lot of shoulds and maybes in the amended policy because of the feedback from the prior Senate meeting. Referring this to a committee seems a bit strange. Morgan-Foster spoke against referring. Eudey appreciated the complexity of this and would not be upset if it were sent to UEPC. But, she would be upset if we don't do anything different. She suggested Mayer sending a letter to faculty at the start of the next academic year to guide faculty while the policy is in flux. Taniguchi voiced two concerns. One, this gets buried. She suggested a friendly amendment to add that we commit ourselves to revisiting this early Fall 2008. Secondly, she likes Eudey's idea of informing faculty at the beginning of the academic year. Also, we need to clarify everything said here today. Eudey suggested a letter should also be sent to student athletes reminding them of their obligations. DeCaro supported sending this to UEPC. Further, what he distributed is also fact. All we've heard so far is wonderful athlete stories, but what he distributed is reality. It was never his intent to offend, but the works speaks for itself. If UEPC can develop a good policy that addresses our issues, then we should do it. Garcia stated he is pleased the letters came before us. It is just another piece of evidence, not necessarily fact. As a researcher, this is not good research. A number of statements have been made and he believes it is an indictment of our athletic program which is unwarranted. He would like to see evidence this is fact. Brown supported this issue going to UEPC because categorically there is a difference between University sanctioned events and the other categories of legitimate activities. He stated his support that students are involved in these things and encouraged UEPC to somehow write them out separately. Nagel asked for a point of information, and also offer a friendly amendment. He asked if the Senate can provide specific instructions to UEPC as part of their referral. Sarraille stated the Senate can provide specific instructions. Nagel asked that UEPC develop a policy for University sanctioned events. This was accepted as friendly. Taniguchi asked that the Senate direct UEPC to issue a letter to faculty that Eudey previously suggested. Filling replied it would be more appropriate that the letter come from the Speaker. The latter was accepted as a friendly amendment.

Mayer expressed again the urgency he feels to get an amended policy approved. There have been abuses and they will continue. He stated his hope if this is referred to UEPC, they take it seriously. He also stated he would like to be a part of developing the letter that will go to faculty. Sarraille thanked Mayer for his hard work and his willingness to amend the language.

There being no further discussion on the amendment, the question was called. Vote to refer to UEPC for research and discussion. Further, that UEPC is asked to consider development of a revised policy and to prepare a draft of said revised policy if warranted for consideration by the Academic Senate. The Speaker is directed to draft and issue in early fall, in consultation with UEPC and Mayer, a letter to faculty urging appropriate accommodations for those students participating in athletic and other University sanctioned events. Passed by voice vote.

8. OPEN FORUM

Minor announced that Friday, May 11 is Warrior Day and classes should be let out from 12 noon on.

9. ADJOURNMENT at 4:26 pm.