Academic Senate
April 15, 2008


Proxy: Bailey (Lawson) Hauselt (Helzer)


Recording Secretary: Diana Bowman

11/AS/08/UEPC—Policy Concerning Access to Instructional Materials for Persons with Disabilities, APPROVED

12/AS/08/SEC—Policy on Shared Governance During the Summer, FIRST READING

13/AS/08/FBAC—Resolution in Support of University Services and Classroom Instruction, FIRST READING

14/AS/08/FAC—Amendment to the General Faculty Constitution, Article VI. Section 3.2 (COC), APPROVED

Strategic Actions/Activities, DISCUSSED

Final Exams on Reading Day/Last week of class, DISCUSSED

Next Academic Senate Meeting:
Tuesday, April 29, 2008
2:30-4:30 pm., JSRFDC Reference Room

Minutes submitted by:

1. Call to order at 2:30

2. Approval of Agenda-6. b) was deleted. It was MSP Nagel/C. Davis to approve the agenda as amended.

3. Approval of Academic Senate Minutes of April 1, 2008 –It was MSP Tynan/Schoenly to approved the minutes as distributed.

4. ANNOUNCEMENTS
   a. Ballots are due to the Academic Senate Office this Friday at 1:00. Please remember to vote.
   b. Notices have gone to the department chairs of senators whose terms expire this year. Please elect senators and send names to Bowman.
   c. Floyd reminded Senators that the second faculty conversation regarding Post Tenure Review is to be held Wednesday morning, April 30, from 8:30 to 10:00 in the JSRFDC 118. Please tell your colleagues.
d. Sankey announced that CalPaleo will be held Naraghi Hall 101 this Saturday from 9-5. CalPaleo is an annual paleontology conference. There will be free breakfast and lunch. The first speaker is scheduled at 9:00 am. The bookstore will be selling Sankey’s book.

e. Gomula announced her show will continue through April 30 in the Art Gallery.

f. Schulz announced a dialogue will be held this Wednesday in the Event Center sponsored by the ASI, Student Leadership and Development, Housing and Residential Life, Faculty in Residence and the Faculty Center for Excellence in Teaching and Learning. The topic is Absent or Silent—does ‘generation myspace’ give a damn?

g. Sarraille asked Speaker Johnson to accept a packet of sign-up cards that pledge support fighting against CSU budget cuts. Please distribute and ask those who fill out the cards to send them to the address on the back, or give them to Steve Filling, John Sarraille, or Chris Nagel.

h. Eudey announced that Provost Covino will do a presentation about witches for the Gender Studies Research Class at 5:00 pm following the Senate meeting. Also, Jessica Gomula will present an artist's talk in the campus art gallery at 4:15 pm on Tuesday, April 22 - open to all.

5. QUESTIONS ABOUT REPORTS

Taniguchi thanked FAC for its report, but asked what resolution was reached on the items. Floyd replied that one item is on today’s agenda. The Ad Hoc Committee on Diversity has been formed. Also the Chico State resolution on Research and Scholarship in Support of Student Learning was reviewed and consensus was that it was a great plan. Provost Covino contacted Chico State and learned that the plan had not been implemented there. FAC discussed administrative review and that will continue. The award for faculty governance service is still being discussed. FAC had the idea that last year’s FAC report on academic searches might be included in the Faculty Recruitment Manual. But after lengthy discussion, FAC decided it was a temporal report and it had served its purpose. FAC will continue to discuss this with Associate Vice President Wendt and the Provost.

Nagel asked Schoenly if he would be willing to look into the amount we spend on consultants. Schoenly verified that information has been requested as well as information on student assistants, but FBAC has not yet received it.

6. ACTION ITEMS

a. 11/AS/08/UEPC—Policy Concerning Access to Instructional Materials for Persons with Disabilities

Filling reported that UEPC met and discussed comments from the last AS meeting and communicated with Lee Bettencourt. The policy has changed slightly under (III. A.), in that Disability Resource Services will contact instructors at the start of the semester regarding continuing students eligible for accommodation, and as quickly as possible regarding new students. In regard to (I. A.), Taniguchi said the History Department felt strongly that the bookstore should contact the publishers rather than the faculty. Filling replied UEPC didn’t think it was their business to tell the bookstore what to do and that it is incumbent on faculty to learn how to deal with the issue. Thompson expressed disappointment that UEPC did not contact the bookstore. He wondered what the reaction might have been.

Robbins stated that the wording might lead one to believe that the student does not have to give consent in order for a request for accommodation to be made. In fact, the student has to approve before DRS may notify instructors. Wording needs to say, “at the student's request...” Filling replied that Bettencourt indicated that they felt that mention of this was not needed in this policy document. Eudey commented, regarding adoption of textbooks, that because all institutions have to comply, dealing with publishers should be easier in the future. In most cases, it will be possible to go to the publisher’s web site to determine whether alternate formats are available. Thompson stated it can be confusing if every individual has to do it. One publisher told him that all their books are ADA compliant, but he does not know what that means.

There being no further discussion, the question was called. The resolution passed by a voice vote.

7. FIRST READING ITEMS

a. 12/AS/08/SEC--Policy on Shared Governance During the Summer

MS Filling/Thompson
RESOLVED: During the summer, members of the administration will consult with the appropriate faculty committees prior to making any decisions that relate to academic programs and/or policies. For decisions that affect more than one college, the appropriate committee will generally be the Senate Executive Committee for the next academic year.

RATIONALE: Occasionally decisions must be made that affect academic programs and/or policies during the summer months, when faculty members are not on contract. Appropriate consultation with the faculty must take place, in order to respect the principles of shared governance.

Discussion:

Filling stated this is an attempt to acknowledge that our university has become a year-around entity and given our institutional commitment to shared governance, we have to provide a mechanism during the summer. There is not a huge amount of activity during the summer, but it is prudent to put in place how it would happen if needed.

S. Davis asked if this is in response to a specific instance or general sense of prudence. Sarraille replied it is not in response to any particular incident. However, with the budget situation being as it is, one needs to ‘put on safety gear’. There is a tendency to look around to see who is nearby, and just make decisions with them. We want to make sure faculty are in the room, especially regarding decisions made about budget cuts. Eudey asked should this pass, she would assume each of the colleges need to pass such a resolution. Johnson stated that the colleges should make the decisions on who should represent the colleges during the summer. However efforts should be made to take care of shared governance activities during the regular term. Taniguichi felt it a good idea but also thinks we should be aware many of us are on academic-year contracts. If we are asked to do extra work in summer, it should be on a volunteer basis. And if this becomes a regular activity, it should be part of the workload. Johnson agreed.

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

b. 13/AS/08/FBAC--Resolution in Support of University Services and Classroom Instruction

MS Schoenly/Filling

Be it Resolved: That the Academic Senate urge the President to give priority to faculty and staff support over MPP positions when considering budget reductions.

Rationale: The University is facing a potential $2.5 million budget shortfall. The President has promised fewer MPP administrators as part of his overall restructuring plan of the campus. FBAC estimates the College of ALS restructuring has cost the University twice the projected initial cost. FBAC also estimates that MPP growth has doubled in comparison to students and faculty and nearly doubled in comparison to staff over a three year period. Teaching faculty and staff need to be preserved to continue offering classes and services for students to ensure graduation.

Discussion:

Nagel advised he did not feel it is a strong resolved clause especially when you look at the rationale. He asked if FBAC would consider a tougher statement. Schoenly asked if Nagel had a suggestion on language. Nagel replied that maybe suggesting “do everything possible to cut administrative (Management Personnel Plan) positions before cutting faculty and staff positions.” There was discussion of whether the term ‘administrator’ or ‘MPP’ should be used. O’Brien added that the basic statement of this resolution is important whether language is made stronger or not. We are facing budget constraints, fewer students, staff, and faculty. So we should at least raise the question: do we need the same amount of administration? It is worthy of discussion. Covino asked for clarification if this is a sense of the senate resolution or does it go to the President for signature. Schoenly replied this will be sent to the President. Nagel suggested the wording should be changed if we send it to the President because it says the Senate is urging him. Taniguichi asked which is more powerful. Sarraille replied he felt if the resolution is signed by the President it is more powerful. Filling suggested he is not sure if something is signed by the President is more powerful, but it makes a more compelling statement to him. He already knows what we think. Johnson added that if we call for this to be signed by the President, he will be required to approve it or give us his reasons for rejecting. If it is a sense of senate resolution, he does not have to indicate anything to us.
Tuédio commented that it seems if AS approves this based on what is here, it is only urging. We should say “the President shall give priority to faculty and staff support.” Johnson agreed. Thompson stated he was reading this as a sense of senate resolution. But if we are urging this as a policy, then he wonders if it should have a time frame on it. Tuédio replied that times of budget difficulty would be the time frame. Thompson suggested that what came out of the Budget Consultation Committee is that one group seems to have recovered from the last budget cuts, but that may not always be the case. Taniguchí asked who will do the rewrite and Johnson replied FBAC.

Covino stated that FBAC was not responsive to his recommendations concerning the content of the resolution. The resolution establishes an adversarial tone when we should be working together. He recommended to the committee that the third sentence of the rationale not say “FBAC estimates the College of ALS restructuring has cost the University twice the projected initial cost”. The projected cost was exceeded, but we could come to a better understanding of how and why this happened. Many of the costs of overruns for ALS were a result of hiring qualified staff that were already here that were entitled to higher pay. Costs of hiring MPP and staff are often higher than expected. This happens with faculty searches as well. He recommended that the sentence read “FBAC estimates the cost of College of ALS restructuring has significantly exceeded the projected initial cost.”

The next sentence “FBAC also estimates that MPP growth has doubled in comparison to students and faculty and nearly doubled in comparison to staff over a three year period.” he recommended be revised to say “that FBAC also estimates that the percentage increase in MPP growth is higher than the percentage increase of faculty and staff growth over a 3 year period.” As stated, it implies a purposeful proliferation of MPP’s. That was not the aim. The statement does not take into account complexities that must be considered when we look at all growth. Whether MPP, staff, and faculty are self-support, supported by grants, or general fund makes a difference. Our ratio of MPP to full time student here is lower than almost all campuses of a similar size. This needs to be considered. We should not move to conclusions prematurely. His third recommendation is that the resolution read “That the Academic Senate urge the President to maintain funding for full-time permanent faculty and staff support when considering budget reductions.”

Thompson stated he felt somewhat at a loss. First readings are to advise committees. Why this is aired at the Senate at this point is confusing. It sounds more like what one would say when arguing for defeat of the measure. He does not see malicious intent in the sentence on which the Provost was commenting. Further, he applauds FBAC for trying to pry out information to do this review. It is out of bounds to say there was malicious intent. Covino stated he meant he thinks, based on comments made in FBAC, that there is some belief in malicious intent of Administration that resulted in an increase in MPP’s over other classes. Maybe that is too strong a statement.

Sarraille stated the fact we don’t have more Administration than other places doesn’t hold much weight. The CSU generally has this problem supporting growth of administration everywhere and is not responsive increasing tenure track faculty and especially increasing staff.

Schoenly reminded AS of what was said in the Academic Senate minutes of the November 6, 2007 AS minutes: "... Filling added the document is not accurate because we have associate deans. He asked for an overall analysis. Covino stated there are different, college-by-college approaches to deal with associate and assistant deans, dependent on college budgets. Faculty currently serving as associate or assistant deans are all faculty getting release time. We do a report on release time each year. Filling again requested a more accurate document and Covino concurred.” Schoenly further quoted from the February 21, 2006 AS Minutes "... Weikart advised that this [ALS reorganization] was a contentious issue for FBAC. They looked at the figures for the President's original proposal, and found significant gaps. For example, the estimate for personnel included position salaries only, and no benefits. President Shirvani was asked for specifics, and replied to FBAC and SEC that the funding would come out of administrative, not potential faculty lines. Four positions have already been cut, and the President indicated that should be sufficient: EOIR Director, Dean of CSU Stanislaus Stockton, Dean of Graduate Studies, Director of Global Affairs. Nagel observed that when positions go away, the duties do not, and asked whether these changes were a true savings, or a shifting of costs."

Filling pointed out that the provost had many opportunities to provide input for the content of this resolution as he sits on FBAC and was in attendance at the meetings where this resolution was formed, but he chose not to and then took this position in opposition. O'Brien stated this resolution is not asking for much. Just asking the President to look at everything before faculty and staff positions are cut. He stated he supports what the resolution says. If there is disagreement in the rationale, it can be discussed, but the resolved clause is good. Filling stated that like the provost, he is disappointed we are not all working together. It is a missed opportunity. It is a major missed opportunity for students to attend classes, which the provost has directed be cancelled. He stated he thinks the focus
of the institution should be on production. The Modesto Bee had statements from the Chancellor and President. One of the statements by the Chancellor was that we are under-managed. It seems there is a misunderstanding of the purpose of the institution. In response to the provost's remark about the ratio of MPP’s to students, he pointed out that we have a 1/600 of OIT support staff to user. At other campuses it is more like 1/60 or 1/100. If we are to address percentage deficiencies, we need support staff, not more management.

Tuedio asked for FBAC’s sense of what ‘priority’ entails. Does it mean preserving faculty? Schoenly replied that FBAC voted 10-1 in favor of this version of the resolution. They did not consider alternatives for the word ‘priority.’ Tuedio suggested it could mean never cut faculty/staff positions. Schoenly stated FBAC’s concern was that we are losing sections and part-time faculty, which seem contrary to our mission.

Morgan-Foster stated that on its face, the resolution is okay. It says faculty and staff are very important and we want to preserve that. However, it talks about MPP’s versus faculty and staff. It could also mention what we spend on travel, supplies, hospitality expense. The selection of MPP implies there is a special feeling regarding that group. Further, in some cases, there are reasons for MPP growth. Some MPP's are staff whose functions got to a level where they had to be converted to MPP. Every MPP in Student Affairs provides a service. Complex factors are involved. She stated she agrees with the sentiment but there is more to the picture.

Nagel stated it is his impression this is coming out of the context of the ongoing campus budget discussion and proposals to cut classes, lecturers, and student enrollment. The resolution addresses how things are being prioritized now. We are trying to recover priority for students, faculty and staff. Taniiguchi stated Morgan-Foster raised a good point. All factors have not been considered. One is consultants. In looking at the budget we got, there are items she doesn’t understand. There are a number of outside consultants hired and she stated she doesn’t know how they fit into the picture. That is something to keep in mind. If we can't hire additional MPP’s, she would hate to see us hire consultants who are 'off the radar screen' instead. She recalled that years ago there was no need for consultants. Sarraille agreed with Nagel that this comes in context with proposals for cuts that have been made all this year. Proposals to cut classes, limit students, and let go of lecturer faculty. The message and the list of alternatives never changes during these discussions. The resolution is partly an outcome of the inability to get help finding alternatives. He stated he is very open to look at all kinds of things that can be cut but we need cooperation. Also he stated he thinks what you see depends on where you stand. It seems that administrators feel that once they are 'in', they are 'in' for good. Why does that have to be the model of how things work? Why can't we look at the large amounts of funding going into administration and see if some budget relief is possible by making changes there?

Poole stated she sees both sides but her concern is we keep looking at an us versus them situation. She doesn’t think those who are administrators have different objectives than faculty and staff. We need to look at the ultimate goals. There are all kinds of ways to address the current budget situation.

Whitfield stated his perspective is he doesn’t see this as us versus them. At the vice president and president level, we are discussing how we can best run the university, provide classes for students we have on board and provide services. It is a real balancing act because of limited resources. It is about the best set of goods and services we can provide to support the student population. If we can do that with a smaller footprint in one area we will do that. Or if we need to invest in another area, we will do that. As it stands right now, even with no one getting a salary increase, we are looking at a multi-million dollar deficit. It could be larger if people get salary increases. We have UBAC to consult with, and we are doing the best we can to preserve the folks that are here.

Covino expressed appreciation of comments made about working in a less adversarial way and also said the revisions he recommended support the spirit of the resolution, which would urge the President to maintain funding for full time permanent faculty and staff when budget reductions are considered. He questioned why it needs to be at the expense of MPP’s. The spirit of the resolution is to keep our eyes on highly-valued and excellent faculty and staff. That is where his support rests and will continue to rest. He said he still recommends we remove the more adversarial tone from the rationale. He said there should be recognition of costs to consider, increases of MPP’s, and care taken when we call for priorities maintaining funding for faculty and staff.

Sarraille reiterated that he does not want to be adversarial either, but steps have already been taken to cut the summer and fall offerings. Classes have been cut. Decisions have been made not to hire faculty. That is on one side of the balance. On the other side we have a proposal to consider alternatives. Discussion is abstract compared to what has already been implemented. Those calling for fairness and balance should think about where the weight rests now.
Thompson stated it is undeniable that FBAC has struggled to get information and it has been slow in coming. It seems we are focusing on the use of the term 'MPP' as adversarial. This is not adversarial as the Provost asserts. Thompson asked all to consider what is adversarial, if FBAC’s figures are even close to correct on the increase in MPPs, how should that make students, staff, and faculty feel? Maybe this discussion needs to be broadened and see what creates an adversarial discussion. Manrique, Emeritus/Retired representative stated the adversarial situation sometimes seems not to come from faculty but from management. She wondered if in very difficult times whether the people with perks like housing allowance might set examples for others in the system in taking a cut in their salaries. Further, she stated she does not think this resolution is adversarial. It is unfortunate sometimes we have an adversarial relationship. But we have students that need our classes and we need faculty to teach and that should be our priority.

Schoenly gave a recap of the process FBAC went through. They started in October gathering and analyzing data. He made repeated requests from administration and finally got most of the data he requested. He did get feedback from the deans. Still, requests for information on consultants and student assistants has not been received, and so are not part of the analysis. He has begun to wonder if those two are part of some 'black budget' on campus, and he is curious why we haven’t received information about them.

Filling said there is a statement in the rationale about ALS reorganization. We got an estimate from the administration of the cost that was incorrect. That is not surprising, but it was off by a lot. Not meaning to be adversarial, but it should tell you something when you hear other proposals from the same people. FBAC has repeatedly asked for more accurate information and we haven’t got it. Covino’s reconciliation of the reorganization was not felt to be satisfactory compared to what FBAC did. O’Brien stated he wants to look at equity. When he reviews the sheet distributed at the last Senate meeting, the budget mitigation page, of the $2.6 million to be cut, it shows Academic Affairs cutting 57%. Business and Finance is cutting 23%, University Development is cutting 4%, OIT is cutting 11%, Student Affairs 5% and the President’s Office 4%. [N.B. The total of 104% is due to rounding error]

Covino advised that Whitfield will schedule a meeting of UBAC and he will get the information to FBAC that has been requested. Relative to O’Brien’s comment about AA percentage, at the last meeting of UBAC, he explained we need to cut back FTES growth. He said to UBAC specifically ‘do you want to make a recommendation regarding searches?’ They said “no”. They wanted another Budget Consultation Committee meeting. Covino said it was getting late to fund searches and he was struck by the dearth of advocacy for saving positions. Now we are at the point where it is too late. He is hoping that searches can be re instituted next year. It is wrong to make the case there has not been an opportunity to make timely reconsideration. Arguments were not made that would have lead to reconsideration. Morgan-Foster pointed out that regarding O’Brien’s comment, the percentages reflect the sizes of the budgets of the units. In the last two budget crises, we all took a greater share of cuts than did AA. We are trying to balance the situation so we can move forward with less damage to human capital.

Johnson advised this will come back as an action item at the next Senate meeting.

c. 14/AS/08/FAC—Amendment to the General Faculty Constitution, Article VI. Section 3.2 (COC)

It was MS Floyd/Filling

14/AS/08/COC/FAC—Amendment to Article VI, Section 3.2 of the General Faculty Constitution (Duties of the Committee on Committees)

Resolved: That the Academic Senate of the California State University, Stanislaus approve the below revised Article VI, Section 3.2 (new e) of the Constitution of the General Faculty:

If an elected faculty representative is unable to serve the remainder of his/her term, and it is one semester or less, the COC may appoint a replacement. If there is more than one semester left in the term and it is deemed urgent to secure a replacement quickly, then COC may appoint a replacement for the remainder of the semester (or winter session) and hold an election to finish out the term.

And be it further
Resolved: That this revised article of the General Faculty Constitution take effect upon approval by the General Faculty and the President.

Rationale: With some frequency, a faculty member has to resign from a committee and subsequently the Committee on Committees is required to hold an election on short notice. Many committees are constitutionally required to have representatives from various constituencies on campus and a resignation can render a committee out of compliance with constitutional obligations. Special elections require financial resources, affect workload and constrain committee work. This amendment would allow the Committee on Committees to more easily expedite replacements for vacated positions so as to facilitate the ongoing work of the general faculty.

Discussion:

Floyd stated the amendment is explained in the rationale. If you have served on a committee, you know sometimes there is a resignation and an urgent need to find a replacement. This is especially true now that we have numerous college positions on committees. Currently the requirement is to hold an election immediately. This would relax the requirement. COC could appoint a replacement in the middle of the term and then elect later. It will save resources and work.

It was MS Filling/Schoenly to waive the rules and go to a second reading. Passed by voice vote.

There being no discussion, question was called. Passed by voice vote. This will go to a General Faculty vote.

8. DISCUSSION ITEMS

   a. Strategic Actions

Johnson advised that a month or so ago the Strategic Action Task Force sent the Senators four recommended Strategic Actions and those four and three others received support from the entire campus. They are attached. The Task Force would like to solicit input from Senators regarding Activities under the Strategic Actions. Are there Activities about which they have strong opinions?

Taniguichi stated she polled her department and under SA 2, under 2.1, “Fully implement the workload agreement” is a priority to them. A faculty candidate was lost because it appears there was not adequate opportunity to do research. The workload continues to grow.

Covino pointed out that 3 under 2.1 would also be important to her.

Garza asked for support of all activities under 2.4, particularly #2. He pointed out that 2.5 contains some things important for the Library, since they wish to upgrade the technology in the Library.

Johnson thanked Senators for their input.

   b. Budget Cuts

Carryover.

   c. Final Exams on Reading Day/Last week of class

Johnson stated this issue was brought forward from a couple of faculty that although we have an informal policy we don’t give exams on reading day and the last week of class, many faculty are doing so. From her perspective, this can cause problems for our students. She would like to discuss and determine if a policy is needed.

C. Davis said she supports a policy because she has students asking to be excused from classes in order to study for finals during the last week of class. Nagel wondered if the academic calendar is itself a policy in which case do we need an additional policy. It lays out when final exams are held. Or is it not a document that requires anything? Wendt replied it is produced partly to comply with contractual obligations. It stipulates the number of workdays and in that regard, it is the law of the land. Petratos asked what our student representatives have to say about the issue. He stated he feels there should be some flexibility because sometimes students have tickets to go home and aren’t available during finals week. Johnson stated if a student has to leave early, they have the right to ask the faculty
member to take the final early. It is the faculty member’s decision. But this issue is that faculty are giving finals during the last week of class and reading day.

Floyd stated that UEPC creates the calendar, and she believes it is in accordance with university policy. Local tradition also governs the calendar. This campus likes to have classes run from Labor Day to Memorial Day. Poole commented it is detrimental to not have a final exam on reading day for graduate classes that meet only one day per week. Some flexibility is needed. Covino stated that as a junior faculty member he sometimes did not have ‘final exams’ but did give the last exam on the last day of class. He asked for clarification, is the question whether there must be a ‘final exam’ during finals week? Peterson stated it is an awkward topic. She believes in academic freedom and allowing colleagues to choose, although she does not give final exams on reading day or during the last week of classes. Do we need to ask our colleagues why they are doing this? Sometimes she makes a big paper due on the day of the final. Taniguichi stated she is opposed to making it policy. Faculty test in different ways, such as take home exams. Secondly, students have come to her with exams all scheduled on the same day and wanted to make arrangements to take tests at other times. Flexibility is important. Grobner explained that in the Sciences, they have labs with lectures, so finals for labs are held during the last week of class and finals for lectures are given during finals week. Gomula added it is similar in Art. They don’t give ‘scantron’ tests so tests have to be given earlier to provide more time to process and evaluate the work in time for the grade deadline.

Johnson stated there seems to be a number of reasonable objections to a policy so she asked for a straw vote. It was 7 yes and 16 no on the straw vote on the question of whether there should be a policy or further discussion of a policy. It was MS Nagel/S. Davis to send to UEPC for consideration. The vote was 16 yes, 14 no. Motion passed to refer.

d. Workload

9. OPEN FORUM

10. ADJOURNMENT

4:37 pm