

<p>Academic Senate November 10, 2009</p> <p>Present: Andrews, Bender, Bice, Black, Borba, R. Brown, Colnic, C. Davis, S. Davis, DeCocker, Eudey, Fair, Filling, Floyd, Garcia, Heredia, Hight, Jasek-Rysdahl, Jones, Keswick, Littlewood, Lujan, Manrique, Marcell, Mayer, Mulder, Vice President Morgan-Foster, Mulder, Nagel, Nainby, O'Brien, Peterson, Petratos, Petrosky, Phillips, Regalado, Ringstad, Sankey, Schoenly, Silverman, Strahm, Werling</p> <p>Proxies: L. Dekatzew for Cotten, E. Karlstrom for Hauslet, R. Giannini for Dunham-Filson, L. Johnson for McGhee</p> <p>Guests: Andrew Brown, Lauren Byerly, Alex Cantatore, Susan Clapper, Brian Duggan, Dean Ruth Fassinger, Marina Gerson, Mark Grobner, Ronald Kammeyer, Alejandra Juarez, Dean Roger McNeil, Dean Daryl Moore, Dean Gary Novak, Inner Pahal, Erin Privette, Grizelle Rios, Majorie Sanchez-Walker, Dean Thomas Sandman, Richard Savini, John Sarraille, Mark Thompson, and Carl Whitman.</p> <p>Isabel Pierce, Recording Secretary</p>	<p>21/AS/09/FAC-FBAC-GC-SEC-UEPC Resolution Calling for a Vote of Confidence or No Confidence in President Hamid Shirvani, Approved to go to a ballot vote</p> <p>22/AS/09/FAC Resolution to Censure Interim Provost Herman Lujan, Moved to Second Reading</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>Tuesday, November 24, 2009 2:30-4:30 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by:</p> <p>Betsy Eudey, Clerk</p>
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**1. Call to order**

2:32 PM

**2. Approval of Agenda**

Approved.

**3. Approval of Academic Senate Minutes of October 27, 2009**

No changes were offered. Minutes were approved.

**4. Announcements**

Schoenly shared that FAC and URPTC noted December 11<sup>th</sup> as the deadline for our colleagues to respond to the criteria on teaching, service and research, scholarly and creative activity as WASC has requested. URPTC has sent out an email to this effect.

A group of student visitors wanted to read a statement of support for the no confidence vote on President Shirvani. Filling asked them to hold this until later in the meeting.

Eudey noted that although today's agenda includes several items that signal challenges we're facing at Stanislaus, she wanted to take a moment to celebrate the accomplishments of those who have been involved in the development of the Educational Effectiveness Review as part of our WASC reaccreditation process. Per an email received from Diana Demetruvias, a draft of the EER has been reviewed by our WASC Liaison, Richard Winn, and he has indicated that our report shows an enormous level of smart engagement across the institution. Winn cites that it is elegantly written and shows superb alignment with WASC standards and the purposes of the review. It allows a team to become engrossed in the core of the institution's intellectual life.

Eudey noted that many faculty, staff, and students have been involved in the self-study process, and in the development of the EER. Scott Davis, Steve Stryker, Erin Littlepage and Susan Clapper should get special recognition for their work on the EER, and most especially Eudey would like to recognize Vice Provost Diana Demetrulias for her exceptional leadership as our Vice Provost and Accreditation Liaison Officer, as she helped us to demonstrate the vitality of the mission and vision in support of student learning. Ovation.

Regalado noted that Dean Gary Novak will be retiring at the end of this semester and a retirement party is upcoming. He's served our campus for 36 years and Regalado wanted to publicly thank Dean Novak for his service to the university as a faculty member and administrator. He thanked him for his good friendship to everyone here and his stellar play on the basketball court. Ovation.

Filling identified guests. L. Byerly, Alex Cantatore from the Turlock Journal, Susan Clapper, Brian Duggan, Inner Pahal from the Signal, Marina Gerson, Mark Grobner, Dean's Fassinger, McNeil, Moore, Novak and Sandman, Erin Littlepage, Dieter Renning, Marjorie Sanchez-Walker, John Sarraile, Richard Savini, and Carl Whitman. Also present were students Andrew Brown, Alejandra Juarez, Ronald Kammeyer and Grizelle Rios.

## **5. Committee Reports:**

O'Brien noted that SWAS was very busy this year. SWAS dealt with 22 items at the last meeting, and rather than reading all of these items he will be sending out an email with the titles of these items and they will be made available in the Academic Senate office. Please email any thoughts or concerns to either P. O'Brien or S. Filling.

O'Brien apologized for not sending the September notes out sooner. He received a comment on the URPTC resolution regarding faulty workload in these times of stress and strain and furloughs. Priscilla Peters asked for copies and they will be brought to next week's URPTC forum.

## **6. Action Items:**

### **a. 21/AS/09/FAC-FBAC-GC-SEC-UEPC Resolution on a vote of confidence or no confidence in President Hamid Shirvani**

*Resolved that the Academic Senate, California State University Stanislaus call for a ballot to be put before the General Faculty to express either confidence or no confidence in President Hamid Shirvani's ability to effectively lead our University and be it further*

*Resolved that the results of said ballot be communicated to the Academic Senate, Chancellor and Board of Trustees of the CSU, the local and national news media, the members of the California Legislature and the University community.*

*Rationale for this resolution distributed separately.*

Student, Alexandra Juarez read a prepared statement. To all the faculty, students, staff and others present at this meeting. We were all brought here today for an important reason; to save our University. As students, we've seen our financial aid shrink and for many disappear; faculty have seen classes cut and their academic freedom stifled; and staff and other workers are being laid off. We are told that Stanislaus State is in crisis and we are told there is no money. Yet we hear of the wasteful spending. We see unnecessary reshuffling of staff, we hear of costly new projects on the agenda.

We lost 114 classes and now we're losing our winter term. Our tuition has gone up 32% just this year. What's next? This is all nothing short of the privatization of education and for students of color (who make up the majority of the low-income student body) this means the re-segregation of schools. We say

ENOUGH! We need all Stanislaus State students to stand up! We need students, faculty, and workers to unite and fight back!

This is why we support the CSU Stanislaus Academic Senate's vote of no-confidence on President Shirvani. We need leadership that stands with the students and workers not overseers who dismantle the great gains by past generations.

In Solidarity,  
CSU Stanislaus Socialist Organizer  
CSU Stanislaus Student for Quality Education  
CSU Stanislaus Right to Education

Filling reminded everyone that this is a resolution as to whether we should bring this to the general faculty for a vote and is not a vote in and of itself.

O'Brien spoke in favor of the resolution. He doesn't do this lightly. Faculty need to say what they feel about the current situation. We all have negative stories that we've experienced the last four years. He's an optimist and is hoping for a better day tomorrow. For O'Brien, the editorial in the Chronicle of Higher Education was the end for him. It really spoke to a complete lack of understanding by the president of what the CSU system is. It showed a lack of understanding of this campus even though he's been here nearly 5 years. It's a sorry state we're in. If this resolution gets approved it will go to the general faculty for them to have their voice.

S. Davis asked if there is a date for this vote. He wondered if it is needed in the resolution. Filling said that the constitution does not speak directly to what we're engaged in here. There were no contingences when the constitution was written. Filling suggested that if this passes we will seek to expedite the vote as quickly as possible. We will provide 7 days for voting and announce the results thereafter.

C. Davis had a request from Stockton to expedite receipt of the ballots to them so they can return them to us before they are due. Filling said to expedite we will deliver the ballots to the mail boxes ourselves and will not use campus mail.

R. Giannani asked if the resolution was missing the rationale for the vote of no confidence. The written justification she has is from Schoenly noting the growth rate of MPP's and the ALS breakup that caused costs to be doubled. Was there something more that provides justifications for this vote? Jasek-Rysdahl said each of the committees sent forward a rationale from their area that was presented. Filling said it was not a part of the resolution. We usually put rationale on the same page for efficiency but didn't because it became multi-paged.

S. Davis wanted a reminder as to who the general faculty are. Filling noted that it included all full time instructional faculty, the coaches, librarians, and academic administrators. Approximately 300 people. Again emphasizing full time faculty, not part time faculty.

Mayer asked about plans for distributing the ballots what will be with the ballot in terms of an explanation. Having attended the two forums, there is still a majority of faculty who have not received first hand information. Jasek-Rysdahl said it would be the resolution with the statement I have confidence in President Shirvani or I do not have confidence in President Shirvani. Mayer asked if there would be any additional information sent out. Jasek-Rysdahl said we wouldn't necessarily add anything more to it because people felt that it would be inappropriate to add something that makes it look like we are trying to sway the vote. Filling said we don't want to be in a situation to write pro and con arguments. It seems

reasonable for Senators to send information outside of a formal statement

Nainby said that what he needs is clarification of discussions about this issue with bill of particulars. If we call for a vote this body affects the vote for the entire body. As Mayer suggested an inclusion of information with the ballot is a valid request. He understands us not wanting to write pros and cons arguments because of the relationship of this body to the general faculty in a parliamentary standpoint. How could we get information on the record from this body?

Filling said his sense of what has come forward is that we have chosen to treat this vote and the resolution as a statement of fact rather than as a list of charges. We don't think we found compelling that it is one particular issue that causes us to have this opinion as it's a pattern of behaviors over the years. There is a concern that we want an opinion on the totality of the experiences to speak from. We've had no volunteers for a parliamentarian.

**c. Article VII Constitutional Amendments:**

Eudey is torn in this conversation as she's looked at advice from several places. We've decided to have a very simple ballot without a list of pros and cons. Per our constitution if issues arise from a petition of the general faculty that would require a pros and cons statement. If the resolution is from this body to the general faculty we send only the resolution without a pros and cons statement. We don't have anything in our constitution that addresses this. This arose from several Academic Senate committees treating it as constitutional changes. Eudey supports having a very simple ballot on the vote of confidence or no confidence.

Eudey hears a continued call for more clarity that some people have brought forward. They're developing a list of concerns which are under revision that they can make accessible but will not be sent forth with the ballot. We don't want to suggest that everyone on the committee s who co-authored the resolution supports this. There are a variety of ways to share this information but it's important to separate the two distributions for clarity of the process.

Dean Moore asked how this would occur should this vote pass. He'd like to see other information aside from the ballot in the spirit of providing information.

Filling said that our expectation and hope is that the Senators have talked to colleagues over the last several weeks and we've held forums. Jasek-Rysdahl said we can share information with Senators and ask them to share it as well.

Bender said that until this time, we have not discussed that the list of issues concerning the president was a Senate list. As such, asking Senators to distribute such a list would paint the Senate as promoting a vote of no confidence and bias the eventual vote accordingly. The list needs to be made available through a different venue.

R. Brown is also in support of the resolution going forward. He thinks in terms of the university mission. Our mission is education, teaching and learning. What is happening is that we are experiencing greater cuts than others in the system.

Sarraille pointed out that we lost 16% of our faculty which is higher than other universities. It's not just that our budget cuts are higher than other campuses. It's due to leadership spending money in a careless way.

R. Brown noted that at the fall general faculty meeting he shared how money is being spent carelessly on this campus. Including hiring an outside Interim Provost when in the past we have hired internally. That's almost a \$200K cost. They promoted a new AVP over the summer and the president hired a new executive assistant in his office in the face of a financial crisis. There's countless other ways that money has been spent. Overlapping VP's of Business Finance. These three or four alone account for 110 course sections cut in the fall. All personal grievances aside, we're at the extreme end of the CSU's as far as how money is spent. We passed a resolution calling for a halt to searches in MPP's and we haven't had a response and are not optimistic it will go through. Each is another course cut. Instead of promoting an interim position from within, it amounts to several more cuts to the schedule. He's sympathetic to the students who spoke up earlier. He wishes he had more positive forecast for courses not to be cut. As long as the pattern of spending continues, we will suffer and degrade at a faster rate than other CSU's.

S. Davis appreciates R. Brown's comments and it struck him that some of this information was shared at the September general faculty meeting. He realizes that the minutes have yet to be approved but wondered if notes can be made available. Filling said they were mailed via Facnet and are on the Facnet archives. L. Johnson said perhaps we could provide hard copies for those who don't check email.

Alexandra Juarez asked what happens after the vote. Does it compel you to action?

Filling said that the vote today is a determinant if we have a vote of the general faculty. After the faculty vote we would consider the opinion of the faculty as public information and it may be distributed to a wide variety of bodies; including the Chancellor, the media, the local community, faculty, staff and students.

Nagel asked about informing faculty about the vote of no confidence. At Humboldt they posted everything to a webpage. This should be simple and save trees. Anyone can have access to it and you can include the notes to the general faculty. He noted that the webpage was being run by the speaker of their faculty, posting links that anyone asked to have access to. Filling asked the Senate if they thought colleagues are willing to access things via the web, or if some really need pieces of dead trees. Perhaps those who think having information posted on a website is sufficient can raise their hands. A significant majority raised their hands. Filling noted that if anyone knows of someone who needs things via paper, Filling will print out what they need.

Alexandra Juarez asked how students can support faculty in this struggle. What is their role? B. Fair said that the students could talk to ASI. If students come to us we will advocate for them. Andrew Brown noted that students want to talk to others. That's why we're here today. We want to help out in any way we can.

Eudey noted that part of the great thing about our university community is that we have opportunities to interact with each other. It's certainly your right and your responsibility to do so. I think we faculty are open to listen. In addition to using your student representatives in ASI, the faculty would be very happy in this particular case and issue to hear your comments. We're also interested in hearing about other issues other than the vote of no confidence. The issues that you raised in your statement are really important issues. This vote of no confidence is not going to solve everything right away but we're happy that you're here and we hope to continue these conversations. Please don't leave without someone knowing how to reach you.

Regalado said that faculty takes seriously the surveys that came out of UEPC that was indicative of student's disagreement with getting rid of winter term. The numbers speak for themselves, and it's likely that there are concerns beyond this. We take seriously the numbers and the hard work of the UEPC committee.

Garcia said as chair of FBAC he tries to address questions about what students, faculty, staff, and administrators can do regardless of the vote of no confidence. FBAC is of the opinion that we need to articulate our university budget priorities and the principles we operate under when making budget cuts. We need to dust off our strategic plan and demonstrate how our budget cuts fit with our strategic plan.

Andrew Brown wanted to address why students are coming here to voice opinions on the winter term because they have attempted to find other ways via ASI. Students tell faculty in classes to try to find out how to make the student's opinions heard and we've reached the limit where we are tired of hearing that we want to hear from you and then statements are made regarding student views that are not accurate. He asked what students can do to establish a relationship with faculty so that we can be on the same page working toward a common goal. He has tried channels outside of the Academic Senate but feels like they are not going anywhere. Filling ruled that out of order and asked if there are those wishing to speak to the resolution. Filling apologized and noted that a statement of out of order is not dismissing what was said, just an attempt to stay on the issue

Filling noted that as a point of privilege we can ask guests to leave. He noted that we will not take any action but will only have a discussion.

Question was called by Peterson and seconded by S. Davis.

Black asked for a vote by ballot. 42 yes, 3 no, 2 abstained. Resolution passes. Filling took a moment of liberty to tell everyone that this is one of the saddest days of his career. He has no joy in what we do, nor does he think anyone here has any joy in this outcome. This is a necessary step to reclaim our university, but it is not a happy step.

## **7. First Reading Item:**

### **a. 22/AS/09/FAC Resolution Censuring Interim Provost Herman Lujan**

Filling noted that the Senators should have seen a copy of the email sent to Interim Provost Lujan regarding his intentions regarding the Turlock Journal articles. He asked Lujan if he intended to respond to the email Lujan said "not at this time."

Schoenly moved the resolution, Petrosky seconded. Schoenly read the resolved clause. And the final paragraph.

*Resolved: That the Academic Senate, California State University, Stanislaus, censure Interim Provost Herman Lujan for his intemperate remarks in a recent editorial published in the Turlock Journal and that this resolution be sent to President Shirvani, Chancellor Reed, the faculty of CSU Stanislaus, the Academic Senate of the California State University, and the community.*

*Rationale:*

*The Interim Provost, our chief academic officer, falsely reports or misleads the public about faculty workload and Winter Term (WT) in the 3 November 2009 edition of the Turlock Journal.*

*Dr. Lujan claims "Less than 5% of faculty teaches a Winter Term course, which means that 95% of the faculty receives 10 months of pay for only seven months of instructional work." This claim is factually false.*

**FACT:** The president's own Academic Calendar Advisory Committee claims headcounts of 84 tenure-track faculty who participated in WT which represents about one-third of the faculty, not 5%. Also, faculty are paid by contract to teach 24 WTU's each year and some even voluntarily teach overloads. Which and how many terms they teach are irrelevant. Removing WT would not change faculty workload.

Dr. Lujan claims "All classes taught during Winter Term can still be taught during the inter-session in addition to new courses that will enhance students' education". This claim is not only false and misleading; it is also a direct violation of our faculty contract.

Students we contacted told us the shorter 12 class-day self-support intersession, proposed by the president as a substitute for the 20 class-day WT, will be less attractive because inter-session courses will cost them more and the shorter length will diminish, not enhance, their "education". This offers students a tough choice: pay more for inter-session courses, or load-up more courses each Fall and/or Spring, or keep the same load but delay their graduation.

**FACT:** For faculty, duplicating their state-side schedule to inter-session would violate their contract. Moreover, any "new" courses they might develop for the inter-session would require working an overload.

Dr. Lujan claims "Only by moving to two, 15-week semesters will the majority of students stop losing financial aid." This claim is misleading.

**FACT:** This change will affect only 40% of students at most.

Dr. Lujan claims the change will "facilitate student progress toward graduation" and "will enhance students' education". This claim is misleading.

Fewer inter-session courses will be offered and even fewer students will take them because they cannot afford to pay the higher costs. As a result, graduation rates will decline and time to graduation will increase (CSUS 6-yr grad rate = 50%; state-wide (semester) average = 44%).

Passing a resolution to censure the Interim Provost is a way to hold him accountable for his false and misleading claims. A resolution of censure is a time-honored means for a body such as ours to express our strongest disapproval, short of a vote of no confidence, of his conduct

Petrosky said that asked if this is everything no, is this enough? Yes.

Giannani asked if there was an intermediary step before the resolution was drawn up to clarify the questions. Schoenly said there was the article that formed the impetus. Giannani asked if Lujan was asked to clarify the points in the resolution. Filling said there was an email asking his intentions regarding the demonstrably misleading statements. You just heard his response that he declined to reply.

Peterson is surprised that Lujan is not speaking to this because earlier at a meeting that morning he said that it is important to communicate to the community the value of what we do. She thinks part of what makes this a great university is the hard working faculty who are trying to serve students well. Winter term is not less work for us, just more flexibility, and it has worked well for the students. Most faculty members are taking on more students and trying to serve them well, yet the comments in the journal make it sound like we are lazy. She's surprised that he doesn't want to respond, especially given the factual inaccuracies. If he were to respond, we perhaps wouldn't need to take to this step.

Lujan said he used the facts to which he was given access. These were the facts as he understood them. This is an opinion piece after all.

M. Thompson also found the article offensive. He has a question and is generally opposed to waiving readings. If Senators really feel a need to discuss this we can discuss for two weeks.

Johnson asked how do you waive first readings and move to a second reading. Johnson moved to waive a first reading. R. Floyd seconded. A paper ballot was requested by Mayer.

Bender noted that the move to a second reading is debatable and as such would ask if the vote is put into question. Filling noted that his ruling for the debate was not allowed for the second reading was incorrect. We invalidate the vote and move to a debate.

Black feels the need to discuss this with his faculty and would like input from his faculty at their meeting on Friday. R. Brown was in favor of a delay to discuss the censure resolution with people and for getting their perception. He's not sure that something this important should be perceived as being rushed through. Garcia noted that the Interim Provost doesn't seem to be ready to make a statement at this time. If we delay he may have time to clarify the information.

Regalado says it's not unreasonable for Senators to have this discussion. A lot of what we are talking about has been in public venues and is part of ongoing discussion but as a matter of comfort it's okay with him. Perhaps in the future there will be more information that will clarify things further.

Dean Novak said this is going full circle for him. When he came here in 1973, at that time there was a vote of no confidence on the president which was 49 to 49. He can't recall over the next 36 years there being a vote of censure at a provost and this is a serious thing. It's important to think about it and discuss it among faculty.

Johnson and Floyd rescinded the move to a second reading. They did not want it done hastily. Some of the faculty in Johnson's department have had informal discussions already and she thought that the other senators probably knew how others in their departments felt, but if they don't it makes sense to delay this vote.

Bender said this is a serious act of censure and, as representatives of our constituents; we should go back to them and ask them individually what they think and not just have a sense of what faculty think. This way any vote of censure would have been considered by faculty, reported by Senators and a Senate vote would be more representative of faculty wishes and more thus more legal.

Mayer said in light of the first action item taken he would like to reemphasize the point that every type of move the faculty makes at this level needs to be very well considered and stated. Perception in the public eye is reality and we have to think about that as we make the kind of moves we're making and make sure all these moves that represent all the faculty have some unifying theme. They seem to but it needs to be clearly, succinctly stated for the general population finding out about this.

Regalado indicated that he sympathizes with the earlier comments about this being one of the saddest moments in our careers. On the other side, as a matter of principle and on behalf of academic integrity, students and staff here our defending the principles of academic integrity so this could be one of our greatest moments.



Floyd agrees with Johnson and Novak and Mayer that senators should have the chance to discuss this issue of censure with their departments. She also recommended that the opinion piece by interim provost Lujan be made available again to the campus community. She encouraged senators that when considering the possibility of censuring interim provost Lujan that they balance that against the action he took by making extremely serious statements about the faculty in a very public forum.

Marcell is hesitant to speak but willing. The only comment he can possibly share with the Provost if he considers clarifying this at a later meeting is that last week Marcell worked 68 hours. He works an average of 65 hours per week. He keeps track of his hours as he covers sports events on top of his academic work. Many first and second year faculty do this. The offense taken was the implication that we don't work that hard and that because of the winter term we got time off. He noted that he was here on January 2<sup>nd</sup> and was here every day for 8-10 hours. Many know that I collaborate on research. On a personal level that is how I interpreted it and the Provost might consider how those comments were taken in light of how hard some of us work.

Regalado said this could be posed to the Interim Provost. The comments give the impression there is a reason why the Interim Provost is here in the first place. If it's not to advance the university and only to write criticisms. Why has he come to this place?

Black is confused and asked what are we debating? Filling noted we are debating the resolution. Black is uncomfortable with a motion of censure for someone writing something. As a free speech issue, he understands that the comments are offensive to faculty and he finds them relatively offensive himself. He's working very hard and feels that he's not getting anything out of it, but he doesn't think the response to offensive speech ought to be about things. It should be about actions not just thoughts.

Panos said that a censure is tied to the position not the person himself. It's tied to the Provost's position, not the individual.

Johnson supports free speech but doesn't think he was speaking as an individual. He was speaking as our Provost and as chief academic officer on this campus. As such she believes he has an obligation to represent the faculty in an accurate fashion. It appears to her that this was an intentional attempt to undermine the credibility of faculty on this campus and she finds this behavior unacceptable and subject to censure.

Brown supports that too. Point number one, the first point mentioned in the journal was really criticizing the faculty on the amount of work they do. He didn't see that coming up in either the ACAC or UEPC discussions related to winter term. When the number one point in the article closes with "now they have to work four more weeks in the year..." we're now campus 23 in how hard we work here. Brown finds the article demeaning and inaccurate. If as teachers we were to hand out inaccurate and demeaning items to students in our first year, I doubt many of us would be retained if we followed that practice.

Schoenly reminds all that Johnson hit this on the head. Interim Provost Lujan is our chief academic officer. The appointed leader of our academic mission. Schoenly is offended by his comment that we aren't working a full load. Schoenly takes his teaching seriously; he also has averaged one refereed journal article or book chapter a year for the past 25 years], and he takes pride in shared governance and committee work. This letter hit him in the face, and he was deeply offended by it.

Dean Moore asked what other options are available for a dialogue to resolve the situation and address this chasm, to get perspectives and perceptions regarding all of the stated issues before moving to a censure decision.

Johnson believes that there could have been an appropriate dialogue if our Provost did indeed question the degree to which we met our contractual responsibilities. If he did believe this is why we were opposing the switch to winter term; he should have brought this to this body as a possible discussion item and had a collegial discussion. That was not his choice. His choice was to make this a public piece that degrades the university and faculty without giving us an opportunity to have any discussion about it. Because it was done publicly and he did not choose to take a route that included discussion with faculty, her personal opinion is that that time for further conversation has passed.

Colnic said he has given this a lot of thought. One of the many truly frustrating things is going public as this is not something that makes our university look in the best light. We need to respond. The information we're presented with is so different what was in the Turlock Journal article and it demands responses. If within 2 weeks with a censure we need to clarify that we do meet our obligations, teach as much as other CSU's and so forth. Perception is reality and if these ideas are in the public eye we need to correct that.

Garcia said FBAC did not discuss the question of censure, but they did discuss the vote of no confidence. This topic comes up later but is appropriate now. FBAC agreed that we must be mindful that the Provost's behavior occurs in a context that lead this body to move to a ballot vote regarding confidence in the president. There is a connection. The Provost stated "these are the facts that were given to me." Garcia hopes that we don't lose sight that the behaviors of the Provost are within a context.

Filling said when reading the editorial he was surprised with the blatant inaccuracy of the data. There is a statement that 95% of faculty teach seven months and are paid for 10 months. By stats of ACAC, UEPC and IR, that is inaccurate. It disturbs him that the chief academic officer is either so out of touch that he finds that believable or is part of an agenda that Filling doesn't care to contemplate. Another inaccuracy is stating that "Only by moving to two, 15-week semesters will the majority of students stop losing financial aid." This claim is misleading. This change will affect only 40% of students at most. The Provost stated that he issued the best information he had at the time. If that is the best information he had at the time, Filling wonders why he didn't avail himself of the information used heavily over the past six months.

Thompson said for the last 25 years the administration has allowed that percentage of faculty working less than a full load and getting paid for a full load. Maybe we should censure the full administration. Lujan said misery doesn't always like company.

Filling noted this topic will return at our next meeting.

## **8. Discussion Items:**

### **a. General Education Academic Program Review**

**Website link:** [http://www.csustan.edu/GE/Pages/documents/GEDraftAPR.4-10-09\\_001.pdf](http://www.csustan.edu/GE/Pages/documents/GEDraftAPR.4-10-09_001.pdf)

Filling hoped some have perused the site. S. Davis noted that UEPC owns the document. Littlewood said UEPC took up the Academic Program Review at their last meeting with information from S. Davis and S. Marshall. Once their done with the review they will discuss it with the Provost, UEPC and the GE Subcommittee for implementation. He urged all to look at the document, especially page 20 with the recommendations. These are not prioritized. Departments are to gather information and forward to Littlewood or Randi Esau by Thursday. If UEPC finishes on Thursday they will move along to give feedback from UEPC by the end of November.

S. Davis would like to thank the many people who helped produce the document, especially Susan Marshall, and who participated in its review so far, including Deans Fassinger, McNeil, and Stefanco with

the assistance of Interim Associate Dean Miller-Antonio. He thanked also the many members of committees who have pitched in on the issues. S. Davis says it's a riveting read and encourages faculty to read it.

**b. 14/AS/06/FAC Procedure for Appointment of Faculty to Administrative Committees**

**TO:** *Ham Shirvani, President* **DATE:** *December 6, 2006*  
*William Covino, Provost/VPAA*  
*Stacey Morgan-Foster, VPSA*  
*Mary Stephens, VPBF*

**FROM:** *John Sarraille*  
*Speaker of the Faculty*

**SUBJECT:** *14/AS/06/FAC—Procedure for Appointment of Faculty to Administrative Committees*

*At the December 5, 2006 Academic Senate meeting, 14/AS/06/FAC was approved unanimously.*

*14/AS/06/FAC—Procedure for Appointment of Faculty to Administrative Committees*

*In order to involve a broad range of interested faculty in shared governance, and to provide for an efficient appointment process, the Senate Executive Committee requests that administrators needing faculty to serve on administrative committees follow the procedures outlined below:*

1. *Administrator contacts Executive Assistant to the Speaker (Bowman) ex 3400, [dbowman@csustan.edu](mailto:dbowman@csustan.edu) and advises:*
  - a. *How many faculty representatives are needed;*
  - b. *Criteria of representatives e.g. representative from each College, experience in certain area, tenured or tenure track, etc.;*
  - c. *When appointment(s) are needed;*
  - d. *How often the committee will meet and when they will meet;*
  - e. *How long the committee be active;*
  - f. *Who the committee reports to;*
  - g. *The charge of the committee;*
  - h. *The overall composition of the committee.*
2. *Executive Assistant will contact Speaker and or SEC and advise of request. Executive Assistant will then send request to the Chairperson of the Committee on Committees.*
3. *COC will meet, discuss, and recommend appointments. Their recommendation will be sent to the Executive Assistant who will then forward to the Speaker and or SEC.*
4. *Speaker and or SEC, via Executive Assistant, will advise the appropriate administrator on the appointment of faculty member(s). [Article VI, Section 1.2 (b).]*
5. *Because COC does not meet between June 1 and September 1, if at all possible, requests for faculty representatives on administrative committees should be made between September 1 and April 30 each academic year.*

*JS:MT/db*

*cc: Senate Executive Committee  
Committee on Committees*

*3/16/04 SEC Approved*

*3/24/04 Dean's Council Approved*

*10/31/06 SEC Approved*

*12/5/06 Academic Senate Approved Unanimously*

Jasek-Rysdahl said you should have two things, the procedures and a memo that outlined the traditional procedures practiced in terms of appointments to search committees. In the past, the Senate Executive Committee gets a request to identify faculty for committees. This is given to the Committee on Committees who does the legwork identifying how many is needed for the committee and they forward the names to the Senate Executive Committee. We're getting reports that the Provost's search committee did not follow these procedures. They contacted the COC directly. In the past, faculty asked for and required that COC would forward 4 names. In this last round, COC was asked for 8 names and the president would pick 4 from this list. The same is occurring in the CBA Dean search. They were asked to provide more names than required for the search committee. In addition, CHHS also asked to forward more names required for the committee. In addition, for these committees the membership of the committee is to be 50% faculty. While the voting membership of the Provost's search is 50% faculty, but there is a non-voting member making it more non-faculty. COC has looked at this and SEC wanted to bring this to the Academic Senate for some discussion to get some direction and way to deal with it. This goes against procedures and past practices.

Mayer said this is difficult for him and worse for junior faculty members when they're requested to be on a committee and to be in a position to say no if a superior requests your service. Jasek-Rysdahl said that the CBA put forward 4 names and the president picked a couple names and then specifically when to junior faculty not on the list and requested them to serve on the committee.

Johnson noted that one member of their Dean Search Committee who had not been recommended by faculty within the college was their most junior faculty member, who has been on campus one year. He got a personal phone call from the president which is certainly hard to turn down.

Floyd stated some facts regarding the recent search for the VP of Human Resources. The COC called Floyd and two other colleagues to serve on the committee. Floyd stated she was willing to serve. Much time went by and she tried to obtain more information regarding the search committee status. She contacted the two other colleagues and discovered that one had not been contacted and the other was invited to a search committee meeting after the committee had already determined the finalists.

Floyd then e-mailed the search committee chair. The chair responded that she had picked one faculty member and had invited him to a meeting. She also stated to Floyd that "it was nothing personal" that she was not invited. Floyd informed the chair by e-mail about policy and past practice and the chair has not responded. Floyd noted that she also shared with the search committee chair that since this was a position where Faculty Affairs is subsumed under HR, faculty should have had a strong voice in the selection process.

Black asked about past practice. Is it past practice that the chair is appointed? Schoenly said FAC discussed one of these searches a while back. He was surprised at the information that came forward. In reviewing this document, 14/AS/06/FAC Procedure for Appointment of Faculty to Administrative

Committees, he doesn't understand why our administrators can't understand plain English. It says how many faculty are needed. If 3 are needed, COC can provide 3 names. What is the problem with this? What is dysfunctional about this process that requires double the faculty members they need. Item 3 says COC's role is to meet, discuss and recommend the appointments. Item 4, the Speaker or SEC via the Executive Assistant will advise the appropriate administrator on the appointment of the faculty member(s). What is dysfunctional about our process that he will not follow it?

Marcell asked what we will do with this. Are we resolving to support a prior resolution? Filling said this is an informal discussion about aspects of our environment.

Eudey indicated that this was a discussion to get a sense of whether this body thinks that some actions need to be taken. Would like as a body to change our practice? At this time we have a policy in place that is not being followed. Some committees are chosen with whatever number of names are asked for. Others are forwarding the number of names needed to fill the committee, but no more. The challenge is whether we are to follow or not follow past practices. We want your help in informing future committees of past practice and policy. This will help anyone who gets a phone call from COC or anyone else who has to deal with that call.

Jasek-Rysdahl said that SEC wants more people to be aware of this in order to avoid piling this on just COC and SEC. COC feels that it is being caught in the middle. We try to provide direction to SEC on how to go about this as well. O'Brien brings this full circle to the first action item. Many ask why we're doing this and do we have a list. This is one of those things. Basically policy that has been developed and signed by the president is being routinely and summarily dismissed.

O'Brien has also learned from a junior faculty member in another department that at one of the breakfast meetings with Provost Lujan the issue of program elimination came up. Faculty were informed that administration will not follow either the campus or Chancellor's Office program elimination policies, rather they will proceed based on budget emergencies. This is another example of our leadership. If the Provost wants to correct this he will stand corrected.

S. Davis would like clarification. He asked Provost Lujan if he would care to respond. Lujan asked that the question be restated. O'Brien asked if due to the budget crises if we do program elimination are we going to follow campus policy which is aligned with the Chancellor's policy? Lujan said we will follow the campus rule which is in line with the Chancellor's policy. Lujan said we will follow the elimination process that the Chancellor's Office agrees to and that is how we will deal with the current budget situation that we face. We are not going to deal with the discontinuation policy. That's not the action we will take. Discontinuation and elimination are not the same things. There is no policy on fiscal elimination.

O'Brien asked if we are looking at discontinuation will that go through faculty governance? Lujan said if we are looking at discontinuation we will. If it's under the framework of elimination then don't need to go through the same process.

S. Davis said the difference between discontinuance and elimination sound like shades of grey of death. Can someone explain this further. He's been working on WASC so he's used to tonal varieties of institutional language, but what are we talking about here? What is the difference between a discontinuation with a process and an elimination where we do whatever we want. If we're not discontinuing but just going to eliminate, do we not have policy on eliminating a program? He doesn't want to be rude, but he is confused and the distinction is lost on him.

Lujan said there are two processes. One has a written set of guidelines. The other is to be used in emergency circumstances. There is no campus rules on this one. The Chancellor's Office rules due to financial situations. He can't make it clearer.

Schoenly has the two documents. EP&R 79-10 instructs each campus to put together a policy for discontinuance of Academic Programs. Is the campus policy driven by this one? Lujan said he has been instructed to follow program elimination for fiscal exigency if we have to consider a program to be cut in the current financial situation. That's the rubric we are following. Schoenly doesn't understand why the campus isn't following the policy we developed and approved by the CO in 1989 that requires transparency and shared governance even in the event of a fiscal crisis. Lujan said we're dealing with an unusual financial emergency. We have to have some degree of cuts to get to our base budget.

Thompson said some things are just wrong on their face. There doesn't have to be a discussion as to how that could be correct. Look at the invention of a new word to end a policy. What is happening is not how to go about things correctly but how do we make changes without consultation. This is what we see over and over and over. We don't need to ask the Interim Provost to explain, there is no explanation.

Dean Moore said that what we are referring to here is that there are two situations being discussed. One has to do with the discontinuance of a program for a myriad of reasons – enrollment, change of direction in a department etc. That is in place and that is the document Schoenly is referring to. My understanding is that during challenging fiscal/budgetary times like the present, you can eliminate programs due to lack of funding immediately.

Eudey can't find the program elimination language on our website. We will appeal to the president to give us this information. It's her memory that the reason the CSU developed these policies was to have a plan of action to have faculty issues taken into consideration. She will look for this resolution. The CSU indicates there is a discontinuation policy which was to help us graduate those students in programs that might be eliminated. Eudey promised to look up more information.

Filling asked to extend the time of this meeting by 5-10 minutes to allow us further discussion. Agreed.

Black asked if it was possible to ask the president for clarification on the Chancellor's elimination of programs policy so we can figure out what we're talking about if what we're talking about is something besides going around a policy. Filling agreed.

Nagel said CFA received notice of potential layoffs to meet and confer. The layoff article may offer information on the notification. The article is Article 38.22 and 38.23. Article 38.23 concerns layoff due to "programmatic change." It requires 1 year notice for tenured faculty, 120 days for probationary faculty, 90 days for FERP's, and 60 days for lecturers. Filling said that CFA said notification of statewide office is not sufficient and it must be at the campus level.

Garcia said with the greatest respect that we were on discussion of the procedures for appointment of faculty to administrative committees. Although, he's enjoying the discussion he would like to bring us back to item 8b.

O'Brien thanked the Provost for responding to the question. The final question is if Lujan can give us the names of programs that are now slated to be eliminated due to budget emergencies. Lujan said there is no list, but there might be one when we get a budget direction from the Chancellor's Office.

Dean Moore said on his own behalf: There is not a single decision in his college that he does not take seriously. It has been (in his personal opinion) that we have been going downhill for some time in terms of continued budget reductions during his tenure here — and it has been horrible. He takes his job very seriously he respects his colleagues, those sitting at the table here today and the faculty and staff throughout the university. He has noticed that in this forum the term “administrator” is thrown out in a way that is less than positive — and as an administrator himself, he finds this offensive.

**c. Article VII Constitutional Amendments**

**d. Vote of No Confidence - Interim Provost Lujan**

**9. Open Forum**

**10. Adjournment**

4:31 PM