

<p>Academic Senate November 24, 2009</p> <p>Present: Andrews, Bender, Bice, Black, Borba, R. Brown, Colnic, Cotten, C. Davis, S. Davis, DeCocker, Eudey, Fair, Filling, Floyd, Garcia, Heredia, Jasek-Rysdahl, Jones, Keswick, Littlewood, Lujan, Manrique, Marcell, Mayer, McGhee, Mulder, Vice President Morgan-Foster, Mulder, Nagel, Nainby, O'Brien, Peterson, Petratos, Petrosky, Phillips, Regalado, Ringstad, Sankey, Schoenly, Silverman, Strahm, Werling</p> <p>Proxies Tom Abram for Michael Bice, John Sarraile for John Garcia, Jennifer Helzer for Peggy Hauselt, Tim Held for Maryann Hight, Margaret Tynan for Robin Ringstad,</p> <p>Guests: Andrew Brown, Lauren Byerly, Alex Cantatore, Vice Provost Diana Demetrulias, Marina Gerson, Elki Esau, Alejandra Juarez, Ronald Kammeyer, Dean Roger McNeil, Dean Daryl Moore, Dean Gary Novak, J. Potter, Grizelle Rios, Dean Thomas Sandman, Dean Carolyn Stefanco, and Carl Whitman.</p> <p>Isabel Pierce, Recording Secretary</p>	<p>22/AS/09/FAC Resolution Censuring Interim Provost Herman Lujan, Passed as Sense of the Senate</p> <p>23/AS/09/FAC-SEC Resolution Affirming the Importance of Shared Governance in Program Discontinuance in the CSU, Passed Unanimously as Sense of the Senate</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>Tuesday, December 8, 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

2:35 PM

2. Approval of Agenda

Approved.

3. Approval of Academic Senate Minutes of November 10, 2009

No changes suggested. Minutes were approved.

4. Announcements

Filling shared the results of the ballot for the 21/AS/09/FAC-FBAC-GC-SEC-UEPC Resolution on a vote of confidence or no confidence in President Hamid Shirvani. Filling noted that 90% of the eligible faculty voted and 91% of those who voted expressed no confidence in Hamid Shirvani.

Filling went on to mention that last week he received a phone call from John Tarjan, Chair of the State Wide Academic Senate who attended a dinner with the CSU presidents and the chancellor. Tarjan reported, "You have an image problem." Tarjan also reported that our president has been conveying to the Board of Trustees, the Executive Vice Chancellor and the CSU presidents that our Senate Executive Committee is unrepresentative of the faculty. That we are greedy and out of control. Sadly Tarjan also reported that President Shirvani said that faculty are stalking his wife so she cannot go for a run in the morning. He also said that faculty were leaving animal excrement on his doorstep and having dead flowers delivered to his house. Filling has no idea how to respond and noted that none of us has done any of these things or even contemplated it. He's saddened by Shirvani's need to resort to this sort of talk.

Regalado offered appreciation for the leaders of faculty governance, the work done by SEC and their desire to work on more positive things. All of them have taken a lot of heat from people in the press, some of

which has been trash talk and some manufactured. Their courage and defense of academic integrity needs to be followed. He wanted to go on record that he has only appreciation for the work done by SEC.

R. Brown asked if police reports were filed. Filling said he was not contacted by the police or anyone else so he's not sure if reports were filed. Strahm asked if the actions took place before or after the vote. Filling assumes before since Tarjan called before the votes were final. R. Brown said that if no police reports were filed, there is no verification that this took place. If accusations are being made, they should be backed up by reports. If not, it calls into question the reliability of those making these accusations.

Dean Moore asked if it is typical to respond to third hand accusations. He's not defending anyone, but someone allegedly is saying this to someone else. He inquired about credibility. Filling responded that when these sentiments are conveyed to the Trustees and Chancellor's Office executives, it warrants public acknowledgement whether or not we can respond.

Peterson hopes that we all agree that such activities would never be condoned by the faculty in any way. We wanted for the president to work with us. None of us would ever encourage anyone to do anything like what was suggested. She hopes it's just a bad rumor, but if it happened they need to figure out who is causing this trouble for him so that it will stop. Filling agreed.

5. Committee Reports

No reports were made.

6. Action Items

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

Black said after speaking with his psychology colleagues, he continues to oppose the motion for censure on the basis of free speech and an opinion made in a public forum. He believes that Lujan's letter was protected under free speech guidelines and that the Academic Senate would be best off responding with "more speech" rather than a censure. We should censure based on actions taken in the role as the provost and not an individual.

Petrosky suggested that a lot of what was in that letter was not opinion and was presented as statements of fact. After the discussion at the last meeting he did a lot of reflection. He realizes that most who spoke did so with emotion. He wonders if we have enough emotional distance to judge for ourselves as faculty were the targets of the insults in the provost's November 4th letter to the editor, published in the Turlock Journal. He noted that we do have other academic officers not standing accused present today that may have the requisite distance from the topic. Petrosky realizes that he can't ask individual people but wonders if any of them would like to comment on the sentiments of the provost's letter. Maybe if one of the academic officers would like to offer an opinion on the letter or back up the arguments it may cause Petrosky to change his mind on this resolution.

McGhee sees a problem with the environment that the editorial presented. He believes it is creating an environment where other people start making accusations against faculty about us being underworked and overpaid. He referred to the comments that we only work 2 days a week and should be content with our jobs. When someone in the position of authority such as a provost say that we work seven months and get paid for ten it creates an environment that makes it difficult for faculty to function and be taken seriously. Most of us work more than 40 hours a week; most of us work 50-60 hours a week. That's a bad image to have in the public where people start latching onto believing that we work two days a week and are being paid too much.

Strahm presented a statement from the Sociology Department which was read by Nagel due to Strahm's

soft voice due to illness.

A majority (5 to 2) in the Sociology Department vote NO on the Lujan censure for the following reasons:

1. The censure runs the very real risk of making faculty look petty and chronic whiners who just want to carpet bomb the administration.
 - a. Sociology faculty (i.e. 7 out of 7) are collectively disgusted with the fact that someone in a leadership position of an academic institution would engage in the most anti-intellectual behavior by printing poorly-research analysis in a public forum – an issue made even more egregious by the fact the author has no stake in the long-term viability of this university.
 - b. That said, these issues are not part of the everyday awareness of the broader community which leads to the second reason for the “no censure” vote:
2. The majority of faculty voting No suggested that engaging in issues like this encourages the broader community to wonder why we are spending all of this time on, what might seem to the broader community as a petty issue, when our collective purpose is teaching, engaging in research, and the collective governance of this institution.
3. Finally and most importantly, the majority of the sociology faculty voting No suggests this censure could possibly detract from the strong message of our recent and successful no-confidence vote regarding Shirvani.

Saraille noted that Provost Lujan is the chief academic officer of this institution. His job is to defend the academic mission and by inference the faculty who so devotedly carry out that mission. Provost Lujan has had a great deal of experience in academia, as he’s served at several CSU’s and other institutions. He’s also been a college president. He knew what he was doing when writing that article. It was a libelous attack on the faculty and an extremely serious thing to do and deserves our censure. The censure merely chastises the interim provost for sullying the reputation of the faculty through making what the Academic Senate believes are misleading or counterfactual statements. It’s incumbent on us to stand up for ourselves.

Regalado politely disagrees with the Psychology colleagues comments regarding free speech. Free speech is meant to engender constructive opinions and enlightened thoughts. The provost’s comments were inflammatory, accusatory and based on faulty facts. There are parameters to free speech.

S. Davis wondered if given additional thought and reflection if Lujan would like to reconsider the statements.

Lujan stood and said that in the letter he presented the facts as he understood them, and he spoke it as an opinion not as CSU Stanislaus policy. The piece appeared in the opinion section of the Turlock Journal. He feels entitled to his opinion and more than that he is entitled not to be muzzled because some might disagree with the content of what he said. He spoke as he understood the situation to be and needed to be judged.

Manrique asked the interim provost what he thought would be the reaction to the opinion piece and what was his purpose for that piece. She also asked a question to the senate if there are other ways that the faculty can convey to the public the truths that we believe are correct to counter the interim provost’s statement of facts.

Peterson said the members of Economics Department talked and disagree with the facts and the characterization of the faculty that the provost put forward. The Economics faculty also felt that a censure would be a very serious step, and were reluctant to take that step without a pattern of mistakes or behavior as motivated the recent vote of no confidence in Shirvani. Her department requested that she move to table

this resolution. Peterson moved to table this resolution. Seconded by O'Brien. A hand count was made to table this resolution; 11 in favor, 21 opposed.

Brown said that the Graduate Council discussed the censure resolution, and the members were unanimous to have this resolution come forward for a second reading. He gave two reasons. They felt it was inexcusably inaccurate, since the provost would have had the facts, making this inaccuracy very hard to overlook. They felt that the reference to faculty workload was demeaning to faculty. They felt that the article revealed a hidden agenda related to faculty workload being a cause for the cancellation of winter term. The Graduate Council motioned to go forward with the censure, and it was unanimous.

Nagel says a censure motion is a formal rebuke or reprimand. He's finding it difficult to see how censoring is apropos here. Per senate guidelines, a censure is a formal rebuke or reprimand. It does not disallow Lujan from speaking in any way, nor does it restrict his speech in the future. No one is saying that someone cannot publish something; it is a reprimand or rebuke for something someone has done.

O'Brien voted to table the resolution censuring the interim provost but not with the idea of supporting the administration. It's due to the notion that the Economics Department is asking what we're trying to do with this. He's seen so many accusations that it reminds him of the last presidential elections when they were throwing the kitchen sink at Obama. With the vote of no confidence, there was a sense that CFA was inspiring it along with the toxic faculty and the rogue senate members. Now we have the report from the speaker about vandalism on the president's home etc. This administration is throwing the kitchen sink at us, and O'Brien would like to keep the target on the top person, not on an interim provost that will be gone in 6 months.

Regalado queried whether the interim provost submitted the article with his university title or as a citizen. If Lujan signed his university title to the letter, his words could not be interpreted solely as a personal opinion. This is no different than any of us who would stay clear of affiliating ourselves with a department or division when writing in the capacity as a public citizen.

Lujan said that is often the case when you have a title to identify who you are. In this case the title was there, but he was not speaking for or on behalf of the university. It was only an identification of who he was.

Saraille says it's a very common ethical requirement that when one speaks that there is a possibility that there is an expectation that they are speaking for the university unless making a statement to the contrary. It's probably clear to those in the room that you dissembled. Filling reminded all to speak to the chair.

R. Floyd requested that if this resolution goes to a vote that it be by secret ballot.

Dean Moore asked what the Speaker's definition of an opinion piece is. He understands where the problem is, but it's an opinion piece. He's not directing this question to the Speaker specifically. He said that opinion pieces are based on opinions which typically include some facts, but mostly are an opinion from that individual that is open to dispute and further dialogue. He asked if due to the position of the interim provost, is the Senate holding him to a different mark when it comes to that form of freedom of speech or expressing his opinion on a particular topic. This was not stated as policy but only as an opinion.

Filling noted that a motion of censure is a suggestion of admonishment to the censured, and does not prevent that person from speaking.

Saraille thinks that it is not the fact that opinions were there. The dispute is that statements were made that

were untrue. Statements that no reasonable person could have made by mistake. These were false statements made on purpose. That's what we should be considering about the piece. People have the right to their opinions and to form whatever conclusions they feel are reasonable from the facts that they are given.

Eudey noted that it is Lujan's job to investigate labor concerns, and that if the interim provost truly believed faculty members were not meeting their contract's requirements that he should pursue action. If he felt that faculty were not accountable for three months of work, he should be working with Ted Wendt, the deans and chairs, CFA, and senate to immediately resolve these issues. As his beliefs came out in a newspaper letter to the editor rather than involving a formal investigation, Eudey believed the statements did not show a belief in our lack of work, but an intent to inflame. If there is a problem she hopes that Lujan will work to remedy the problem, and if not to recant his statement.

Colnic asked if the resolution was changed from last week. It was noted that the resolution had not changed. Colnic stated that this resolution was intended to be part of the dialogue to correct the errors noted in the article. It is meant to correct disagreements or conflicts over factual positions.

McGhee noted that he's partially responding to opinion. He will fight to the last breath for people's right to say something but it's difficult in how it is formatted. If a person says, for an example, "the police are brutalizing the people they arrest," and just notes their name it's looked at differently than if the statement is said by the head of the police department. Without some separation of identification, it has an impact on how people take opinions. Most of us voice our opinions all of the time. There is validity in opinion based on who we are. Remember when President Regan made a joke about bombings; it was picked up and caused many problems. There is a lot of weight given to one's opinion when it's identified with your professional working title.

Since the interim provost has more than two weeks to reflect on the article, Regalado asked him if he is willing to speak to the accuracy of the article. Is he willing to make any comments at all that part of the statements were inaccurate. Short of that, we should move to a vote.

Silverman noted that he has taught during most of the winter sessions unless he was given assigned time for research. When he taught winter term he often taught a course on Computer Security and Cryptography would require covering too much information in too little time. It is his estimate that students MINDS have certain rate of expansion when being taught an entire course in four weeks. He thinks that if he tried to teach the same course in 2 weeks their minds would explode and he would be held accountable for this. It's just not possible that all classes can be taught in the intersession 2-week model.

Lujan spoke and stated that he did present facts as he knew it. He's learned some things since then but he's still new around here. Maybe he could have found a better crafted language but he still stands by it. He leaves it to us to judge whether to proceed or not.

Secret ballot vote. 38 yes, 5 no, no abstentions. Resolution was passed as a Sense of the Senate resolution.

7. First Reading Items:

- a. 23/AS/09/FAC-SEC Resolution Affirming the Importance of Shared Governance in program Discontinuance in the CSU**

Schoenly moved the resolution. McGhee seconded. Schoenly read the resolution.

Whereas: California state law, HEERA, the CSU Board of Trustees, the CSU Academic Senate, and the

Constitution of the General Faculty, CSU-Stanislaus recognize and mandate shared governance; and

Whereas: “Policies on Academic Program Discontinuation” were mandated by the Chancellor’s Office in EP&R 79-10, 2 April 1991 which directed each campus to approve written procedures for discontinuance of academic programs; and

Whereas: CSU-Stanislaus has had a program discontinuation policy in place since 1983 which was last amended in 2003 (19/AS/03/UEPC) and approved by the president in 2004. Our policy was approved by the Chancellor’s Office in 1989 and incorporates deliberative consultation with the faculty of the programs considered for possible discontinuance; and

Whereas: In the event that imposed budget restrictions lead to a request for program discontinuance, the CSU-Stanislaus policy calls on our campus to “... seek alternatives to discontinuance and shall terminate programs only as a last resort”; and

Whereas: There is great concern that administrators at CSU-Stanislaus may be circumventing our program discontinuance policy in order to address budget shortcomings; therefore,

Be it Resolved: That the CSU-Stanislaus Academic Senate urges campus administrators to abide by their own established discontinuance policies and the principles of shared governance that underlie these policies; and be it further

Resolved: That the CSU-Stanislaus Academic Senate distribute this resolution to the Chancellor of the CSU, to the Presidents of the twenty-three campuses in the CSU, to the Chairs of the CSU Senates, and to the Academic Senate of the California State University.

Nagel sees the word “urge” and it makes him think that this is a sense of the senate resolution, is that correct. Filling affirmed that it is.

S. Davis asked about the format of the resolution. He noted that Senate resolutions typically do not have Whereas clauses and asked why they were included instead of the usual Rationale. Filling said that this is tied to a system wide effort to pass these at other campuses, and this is in a format similar to those at other campuses.

Floyd said that at the last meeting two weeks ago she heard the provost to speak to this at another forum. What she heard him say was that he agreed with us that there were program discontinuation policies at the Chancellor’s office and on campus. He also noted that there were program elimination protocols that had no rules to abide by and were under the purview of the president. While we might agree with the spirit of this resolution system wide, it appears that there will be something that happens that we have no control over. Can anyone speak to it, is that what others heard.

O'Brien said that our last Senate meeting was interesting and took rhetoric to a new level of seeing a distinction between program discontinuation and program elimination as being two separate things. After the Senate meeting, O'Brien contacted the Chancellor's office for clarification and according to the Chancellor’s office there is no known CSU Policy to distinguishing these two things, as they are one in the same. The current University leadership is attempting to create a new reality that is not supported by any approved Chancellor policy.

Saraille said that since we have a lot of guests and not all are as familiar with the jargon as others. He

clarified that it is not a matter of control precisely; it's a matter of having the right to be consulted, heard, and heeded in the process. This is our concern. What we are hearing is that our administration seems to believe that it can declare new rules and pretty much do whatever it deems necessary without checking with anyone else.

Nagel has received information that program and department chairs very recently discovered that their units were already under review for being terminated without consultation with faculty. This was being done without the chairs or program directors being told about it except retroactively. It would seem that this is already taking place.

O'Brien would like to follow up on Saraille's comments. We should be an integral part of this discussion as this is the history of academe and on this campus. When you consider the average time an administrator is in their position is approximately 5 years, to give up programs that have taken years to develop for the whims and wishes of a current administration doesn't serve us well. This is not to slam the administration, rather faculty are the ones that will have to live with the consequences, not them.

Dean Moore spoke to the nature of consultation. He's tried to not make many assumptions, but when it comes to the fiscal viability or peril of the college he represents as Dean he noted that consultation happens with the folks who represent the college, primarily the department chairs. His assumption is that the department chairs share that information at the department level.

Eudey noted that one of the reasons to put forth this resolution is to remind faculty of our responsibility in this process. If a department decides that they're going to stop offering their major this needs to be discussed with the appropriate folks. There are policies in place that require the proposed change to be reported to UEPC so that systems will be in place for our students. This policy is not only to prevent administration from doing things without consultation, but to hold us all accountable. We need to follow processes to demonstrate to our students that we are doing our jobs. This is not a lengthy process and it needs to be followed. She's concerned that some of us are not consulting on these processes. If we don't follow our own rules, then how do we hold others accountable?

Regalado noted that as a department chair he has to give his Dean credit as they have had some discussions remotely close to this and he appreciates that. He finds that these types of activities to discuss where our programs are going are very important. This includes those colleges that have graduate and undergraduate programs. To have these policies determined by the higher echelons and almost at whim is inexcusable. This is a time to have more dialogue on the importance of faculty governance when it comes to the topic of the possible discontinuation of programs.

Schoenly downloaded Article 1- HERRA (Higher Education Employer-Employee Act) General Provisions 3560 Legislative findings and declarations and read it out loud.

“(b) The Legislature recognizes that joint decision making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions, and declares that it is the purpose of this chapter to both preserve and encourage that process.”

S. Davis said given the conversation at the last meeting, might FAC consider amending the language in order to prevent the linguistic sidestepping in which discontinuance is renamed elimination, or whatever, and a brand new process is invented for that term when the end process is the same. Schoenly asked if S. Davis had any other wording in mind.

McGhee offered “discontinuance, elimination or any actions to that effect.” He thinks S. Davis’ idea is correct because new actions can be taken if words are changed.

Filling noted that this will return for a second reading in December. Schoenly is concerned that this is a time sensitive item since we have been hearing about possible program mergers and discontinuation possibilities. Schoenly would like to move to waive the first reading and go to a second. Peterson seconded.

S. Davis is against movement to a second reading so he can consult with his department, especially to see if there is better language to use.

R. Floyd also opposed waiving the first reading to allow us to have more discussion from departments that could be informative.

Black opposes waiving the first reading because we will be meeting on December 8th and this will give us the time to consult which may be useful.

Jasek-Rysdahl thinks the cows have left the barn. It’s imperative that we get that out there. We’re saying we have an established policy and it should be abided by. If others want to come up with new words we will never be able to anticipate those.

Eudey noted that one of the reasons to move forward on this is to affirm the rights and responsibility of the administration, colleges and departments to abide by this policy. This just says that we affirm a policy already in place, a policy that was established by multiple bodies. We’re asking for adherence to what is already in place. This doesn’t change any policy, it just reaffirms the current policy so consultation would primarily be to inform not to obtain opinion about new processes. This resolution will be forwarded as a sense of the senate noting that the policies/processes should stand until we change them.

No further discussion. By voice vote, the motion for a second reading passed.

C. Davis proposed that the first resolved clause be changed to read “administrators, when considering termination of programs...” Termination is clear enough to demonstrate what we mean by this.

Be it Resolved: That the CSU-Stanislaus Academic Senate urges campus administrators when considering termination of programs to abide by their own established discontinuance policies and the principles of shared governance that underlie these policies; and be it further

McGhee has a problem with the word termination as it means one thing. What if they decide to put it in hibernation? He knows that termination is a very specific word, but there are other things that could be derived and have the same basic effect. He feels we need to be careful with the words we use.

B. Fair doesn’t understand why we have policies protecting our programs if they can be altered by calling them something else. The guidelines are here to protect programs, and we shouldn’t be able to eliminate programs without following the guidelines.

S. Davis says that’s an excellent point. Thanks McGhee, but thinks C. Davis’ language is appropriate.

A. Brown asked if the discontinuation of a program is the same as when they eliminate a major and make it a concentration. You can no longer major in a program but instead have it as a concentration. Filling said from the best of our ability to understand it, we believe the policy still applies. A. Brown asked if the

enrolled students in that program should be included in the consultation. He's currently a CIS and Business major, and knows currently that a process to change CIS from a major to concentration is taking place but there has not been any student involvement whatsoever, and that is extremely important.

Saraille believes the policy they are considering says that students are to be represented and consulted. Student Andrew Brown is trying to say that they are already not following that policy as they are in the process of changing CIS to a concentration and there has been no student involvement to his knowledge.

Manrique supports the original resolution. It is clear, concise and changing it muddies the water. It mentions that the administrators should abide by discontinuance policies, plural, and principles of shared governance. These are the most important precepts in her mind.

Strahm thinks it's a sad state of affairs to have a resolution to affirm the following of the rules.

The vote on the amendment passed by voice vote.

The vote on the resolution itself, as amended, passed unanimously by voice vote. The resolution passed as a Sense of the Senate resolution.

8. Discussion Items:

a. Academic Administrator Searches

Filling noted that we are returning to this topic from our last meeting. Jasek-Rysdahl said we were talking about this and the committees and how they were being formed. It was brought to this group because COC was bearing the brunt of these issues and wanted more input from a broader group. SEC wanted this as well. The intent is to affirm procedures and past practice, and get ideas regarding what should be done. We're looking for more input from the Senate.

Jasek-Rysdahl reminded everyone that in the past when a committee is being formed, a request goes to SEC, and then gets referred to COC with parameters for the search. The COC identifies the people to name to the committee after confirming that the nominees are willing to serve. Currently, the requests are coming with twice the number of names needed for the committee so that the one convening the committee gets to select who serves from the list. In one case, four names were forwarded, two were accepted and the administrator selected some that were not sent forward. This has been happening in a number of cases in Provost and Dean's searches. We are notifying all that this is happening and looking for support for how COC should respond.

Petrosky is wondering if anyone present would suggest why we are abandoning past practice.

McGhee said another issue is how we count. The rules say that for a Dean's search at least 50% of the committee is to be faculty from the college. In the College of Business Administration, it's a nine member committee with four faculty. The chair is a non-voting member but the chair has influence. Are we violating the policy, or is it being adhered to since there are 8 voting members. How far can we stretch the rules? If we are to have at least 50% faculty, 4 out of 9 is not working.

Strahm thinks it is disconcerting because the last time we talked about this there was a discussion that junior faculty were pushed into some committees. This is highly inappropriate and puts undue pressure on junior faculty since they may feel that they need to conform to a way of thinking or voting for a particular person. Also, probationary faculty are not yet fully vested in the institution. Until we are vested and get tenure we have a right to be a part of the process, but more senior faculty who are vested should play a more significant role at choosing that level of leadership.

Schoenly mentioned that two weeks ago at a FAC meeting, they were quite disturbed by the practice of having less than 50% of faculty representation and not having COC recommendations. He asked the same question he asked at the last meeting. What is dysfunctional about our current process that leads us to change it? What is dysfunctional about the process that we now have fewer than 50% membership on academic searches, and why are senior administrators who are not academics serving on academic committees?

Jasek-Rysdahl said this will return to COC and asked if there is something we should direct COC to do?

S. Davis says this is a situation specific discussion. It occurs to him, having had to put together working groups, committees, and inquiry circles that ordinarily you want a great deal of communication between organizers and COC, and you want some leeway in the final composition of a working committee. You want to be sure that there is a good synthesis or combination of talents and skill sets, and that demands some give and take. He said if this were not in November 2009 we would not be having this same conversation. He has no particular quibble with the number of persons that COC is being asked to send forward. Communication outside of that process, especially in the case of junior faculty, seems out of line. However, he thinks it would be naïve to suggest that it doesn't happen even in the best of years and communicative environments.

Regalado asked if a committee was put together and 50% have to be academics and it's not the case, can the committee be voided by the COC?

Filling said the role of COC is to provide members for committees. Most of our policies are written carefully to indicate that it is the hiring administrator who convenes committees, not COC. Past practice is they are convened with the people COC suggested, but he's not clear that we could unconvene the committees, although we could make public statements. Regalado says a public statement would be acceptable.

b. Confidentiality and Search Committees

Filling passed the turkey leg to Jasek-Rysdahl so that Jasek-Rysdahl could recognize Filling. Filling noted that John Garcia is furloughing today, that's it's a non-instructional day for Garcia. The genesis of this discussion topic comes from Garcia because UBAC had been trying to find information on the progress of various searches and the financial implications thereof. They found out that search committee members were told that everything about the search, including the names of chairs and members was confidential and they could be punished for revealing the information. The Human Resources team advisor assures us that confidentiality of searches binds at the point at which the identities of people who are candidates are revealed before there is a selection of finalists, or that specific information concerning suitability for the job would be shared. They were assured that there is no basis in any law that would bind someone from discussing the membership of search committees. On behalf of FBAC, they would be grateful to hear of situations when people were told they could not speak so appropriate administrators can be contacted.

S. Davis remarked that it would be hard to know what committee was actually formed under these conditions; how would one know of its existence. Filling said that this occurred with the VP for Human Resources search, and that mattered because it seemed from the position description a fair amount of Faculty Affairs would be folded under that position. This also occurred in the search for a replacement for Pugh, VP for Enrollment Services. In no case was membership identified in a timely manner.

Eudey reminded everyone of the recent example with the search committee for the VP of Human Resources. COC only forwarded 3 names and R. Floyd was one of the faculty names that COC forwarded.

There was not a formal statement that the committee was established and no notification of who was selected to participate on the committee. When R. Floyd inquired, she discovered that one of her colleagues was invited to serve on the committee after the committee had already reviewed files and identified strong candidates. It's currently unknown how the search process has continued.

S. Davis considered the situation with Floyd to be discourteous behavior and hoped the appropriate apologies were made and accepted.

Black said that when information isn't shared about committees it makes it impossible for COC to distribute workload among faculty. It makes it impossible for COC to fulfill its charge, which is to distribute faculty among committees. R. Brown suggests that administrators follow established policies on searches. He asked if we could resubmit that resolution again. Filling said that FAC will take that under advisement.

9. Open Forum

Regalado offered a personal opinion. He finds it ironic that, in class, he was recently talking about the Nixon administration and how much our own leadership runs the university in the manner similar to what Nixon did. He was wondering if our current school environment is best defined as one of a Nixonian-like era or one simply of dysfunction.

Heredia noted that for homecoming students raised \$5000 for the Make A Wish Foundation and it was raised in 72 hours.

S. Davis said despite this being one of the more exhausting and relentlessly negative semesters in memory, that he still loves his job, he still looks for joy in this institution, and he offers his best wishes in this season of thanksgiving to the members of Senate and hopes that we can reclaim some joy here.

Filling seconded that and suggested the best place to find that is in the classrooms.

10. Adjournment

4:20 PM