

<p>Academic Senate November 1, 2011</p> <p>Present: Baker, Bettencourt, Bice, Bolton, Broadwater, Buehler-Scott, Burroughs, Colnic, De Vries, Espinoza, Foreman, Garcia, Gerson, Gomula, Gonzales, Grobner, Hauselt, Held, Khodabandeh, Lindsay, Manrique, Marcell, Marshall, M. Mayer, McCulley, McGhee, Nagel, Peterson, Regalado, Stone, Strahm, Strong, Tan, Vang, and Werling.</p> <p>Excused: Filling, O'Brien, and Mulder.</p> <p>Proxies: John Sarraille for Robert Silverman, Koni Stone for Michael Drake, and Mitch McGhee for Panos Petratos.</p> <p>Guests: President Shirvani, John Sarraille, Shauna Keeler, Lauren Byerly, Robert Marino, Annie Hor, Kevin Nemeth, Halyna Kornuta, Jim Tuedio, Kathy Norman, Linda Nowak, Glenn Pillsbury, Betsy Eudey, Wendy Smith and Brian Duggan.</p> <p>Isabel Silveira Pierce, Recording Secretary</p>	<p>First Reading 22/AS/11/SEC Amendments to GF Constitution (Electronic Balloting). Moved to second reading. Approved. Requires General Faculty Vote.</p> <p>First Reading 19/AS/11/FAC/SEC Resolution on Academic Freedom. Moved to second reading item. Approved. Requires General Faculty Vote.</p> <p>First Reading 13/AS/11/FAC/SEC Sexual/Intimate Relations (Power/Disparity) Policy. Returned to FAC and Tabled for a time certain for the first spring Senate meeting on February 14, 2011.</p> <p>First Reading 20/AS/11/UEPC/Policy for Suspension and Discontinuance of Academic Programs. Returned to UEPC for revisions.</p> <p>First Reading 21/AS/11/FAC/UEPC Amendment to GF Constitution (Adding Instructional Designer to Technology & Learning Subcommittee of UEPC). Moved to second reading. Approved. Requires General Faculty Vote.</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>November 15, 2011 2:00-4:00 pm., JSRFDC Reference Room</p> <hr/> <p>Minutes submitted by: Chris De Vries, Clerk</p>
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1. **Call to order**
3:06pm

2. **Approval of Agenda**
Approved without changes

3. **Approval of Academic Senate Minutes of October 18, 2011**
Approved without changes

4. **Introductions**
Lauren Byerly, Kevin Nemeth, Robert Marino, Annie Hor, Shauna Keeler, June Boffman, Marge Jaasma, Halyna Kornuta, Daryl Moore, Katherine Norman, Linda Nowak, James Tuedio, Angel Sanchez, Kelly Payne, Brian Duggan, Glenn Pillsbury, Carl Whitman, Wendy Smith, Betsy Eudey, and Russ Giambelluca.

5. **Announcements**

Speaker Stone noted that we can write comments on 3x5 index cards that can be placed in the comments box on the way out the door to be shared with the Special Visit Site Team (SVST).

Khodabandeh announced that the ASI passed a resolution in regards to Pell Grants for for-profit universities. They ask that priority goes to public institutions. ASI will send the resolution to us so we can hopefully pass a matching resolution supporting theirs.

Marcell announced that the Kinesiology is hosting their annual Speaker Series next week. On Thursday, November 10th there will be a talk on the science sports drink by a Chico State Guest Lecturer at 4:30pm, in FDC 118. It's an open meeting and all are welcome.

Sarraille announced that there will be picketing next week, CSU campuses will be picketing on either Tuesday, November 8th or Wednesday November 9th. At Stanislaus, we picket on Tuesday, November 8, from 11:30am – 1:00pm in the Quad. Many of you have committed to participate and he looks forward to seeing you all there.

Held announced that De La Cruz will read from his book tomorrow at 1:00pm in the Library and again at 6:00pm in FDC. De La Cruz earned his BA and Master's in Social work, from CSU Stanislaus, and he is now a Doctoral Candidate. He was a life-long criminal before seeking treatment for addiction and seeking education. His reading is free and open to the public.

Kornuta announced that tomorrow at lunch time is the last of the faculty open forums on WASC in this room. She requested that those of you meeting with the WASC Special Visit Research Team visit the website and look at changes in the location for the meetings. The times have not changed but the locations changed. Confirmation emails will also be sent out. She thanked all in advance for reading the report and asking questions. She also thanked those who rearranged their schedules for the Monday and Tuesday morning meetings.

6. Committee Reports/Questions

No questions

7. First Reading Items

a. 22/AS/11/SEC Amendments to General Faculty Constitution (Electronic Balloting)

Lindsay moved the resolution, seconded by Colnic.

22/AS/11/FAC/COC Amendments to General Faculty Constitution

(Electronic Balloting)

Be it Resolved:

That the Academic Senate supports an amendment to the General Faculty Constitution permitting electronic balloting in addition to written balloting; and be it further

Resolved:

That this amendment be sent to the General Faculty for approval; and be it further

Resolved:

That this amendment be effective upon approval by the President.

Rationale: The expense and time involved in paper balloting is substantial, however the recent contract between IR and Qualtrics allows us to ballot electronically while maintaining the absolute anonymity of the ballot participants and reducing the possibility of voter fraud. In order to take advantage of this system, article V section 2.1 shall be changed to read as follows:

2.1 Elections to the Academic Senate shall be by **either electronic** or written ballot of the appropriate faculty, or, in the case of staff, the appropriate constituency. Notification of the results of the ballots shall be made to the Speaker by the fifteenth of May.

Article VI, Section 3.2, item d shall read as follows:

d) Conduct all university-wide elections and ballots. Elections and ballots ~~shall may be by electronic means or~~ by mail, **as directed by the COC.**

Regular elections for officers and committee membership must be held no later than the fifteenth of May.

For each of the offices of Speaker-elect, Clerk, and the General Faculty's representatives to the Statewide Academic Senate, if no candidate receives a majority of the votes cast on a ballot, runoff elections shall be held between the two candidates receiving the highest number of votes, until one candidate receives a majority of the votes cast.

Article VII, Section 4 shall read as follows:

Section 4.0 Proposed amendments shall be submitted to a vote of the General Faculty by **electronic or** mail ballot, **as directed by the FAC.** In cases where there has been a senate review under the provisions of section 3.0 of this Article, balloting shall commence within twenty instructional days after completion of the review. Otherwise balloting shall commence within twenty instructional days after the submission, in accordance with Section 2.0 of this Article, of the amendment to FAC. The ballot shall be returned within five instructional days.

Approved by the Academic Senate on 11/1/11

Lindsay explained that this resolution permits electronic balloting. It will lower expenses and simplify the administration of elections and constitutional changes. This change does permit us to use electronic or written ballots at the discretion of FAC for constitutional changes or CoC for elections.

Baker said that the idea is that Qualtrics can do this anonymously but what if Qualtrics goes away?

Angel Sanchez said that at this time Qualtrics is the only web-based application for doing this, and there is no other application available to do provide electronic ballots. He cannot imagine taking a step backwards at this point, because that would hurt a lot of us.

McGhee said that having the option to go back to paper ballots gives us flexibility if something should happen.

Strahm said that when it comes to paper balloting there is a specific group that does the accounting. Now that it's electronic, who has access to that data and who does the counting?

Angel Sanchez said that the person that sends out the ballot has the data. The Institutional Research office can set up the accounts for the Senate to administer this so it's yours. If you need support, we can assist you but our idea was that the Senate would hold that information.

Sarraille said that it might be worth making available documentation on Qualtrics on how it works and how it would be used.

Angel Sanchez said that if the Senate would like a link to the Qualtrics tool so we can better understand the technical aspects and its secure setup, the Office of Institutional Research can provide that link.

Bice moved the resolution to a second reading, Khodabandeh seconded.

Marcell noted that even if we vote the resolution forward it still has to go to the general faculty for a vote.

Foreman asked when is the first opportunity for balloting to take place, and do we have to move fast on this?

Isabel Pierce said that we do have some elections to prepare pretty soon, and we only have one Senate meeting in December.

Gerson said that it seems to her that the CoC has the option of using either format, electronic or paper, so even if we were to switch we don't have to use electronic means, nor Qualtrics.

Vote to move to a second reading 36 Yes, 4 No.

Vote results on the motion carries, 38 Yes, 1 No, 2 Abstained. The amendment passes and will go to the general faculty for a vote.

b. 19/AS/11/FAC/SEC Resolution on Academic Freedom

Lindsay moved the resolution, seconded by De Vries.

19-AS-11-FAC-SEC--Amending the Constitution of the General Faculty, California State University, Stanislaus to Include a Statement Upholding Academic Freedom

RESOLVED: *That the Academic Senate of the California State University, Stanislaus endorse the following amendment to Article V, Section 5 (d) of The Constitution of the General Faculty, California State University, Stanislaus:*

It shall be the purpose of the Academic Senate of the California State University, Stanislaus to promote academic excellence in the university; to uphold and preserve the principles of academic freedom and protect freedom of inquiry, research, expression and teaching both inside and beyond the classroom, as set forth in the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure and its subsequent interpretations; to serve as the official voice; and be it further

RESOLVED: *That the General Faculty, in accordance with Article V of the Constitution of the General Faculty, California State University, Stanislaus forward this amendment to faculty for a vote.*

RATIONALE: *In setting forth these rights and responsibilities of the General Faculty, at no point does the Constitution reference the important role of the General Faculty in safeguarding and preserving the principles of academic freedom for the faculty it serves. The purpose of this amendment is to remedy this omission in the Constitution.*

The American Association of University Professors' (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its subsequent interpretations provide the most widely accepted and understood statement of academic freedom for higher education. In 1966 the AAUP, the American Council on Education, and the Association of Governing Boards of Colleges and Universities jointly formulated a Statement on Government of Colleges and Universities which was formally recognized by the executive bodies of each group. That statement incorporates by reference the 1940 Statement of Principles on Academic Freedom and Tenure. In addition Section 3561(c) of the Higher Education Employer-Employee Relations Act (HEERA) encourages the free exchange of ideas among faculty, students and staff, and goes on to state: "All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the California State University." Given the recognized importance of preserving and safeguarding academic freedom within higher education, this principle must be articulated within the Constitution of the General Faculty, California State University, Stanislaus and regularly monitored as circumstances generate new interpretations.

Lindsay said that the SWAS and the AAUP passed a resolution on academic freedom and the Faculty Affairs Committee thought it was important to make a similar change to our constitution. This comes from a court case where a professor was denied a promotion based on the fact that he spoke out against his boss.

Strahm moved to second reading, seconded by Petrosky.

Vote to move to a second reading, 37 Yes, 3 No, 1 abstained.

Strahm noted that it is sad that we have to vote to reaffirm academic freedom in the academy.

Vote results on the motion carries, 40 Yes, 1 abstention. The amendment passes and will go to the general faculty for a vote.

c. 13/AS/11/FAC/SEC Sexual/Intimate Relations (Power/Disparity) Policy

Lindsay moved the resolution, seconded by the Provost.

13/AS/11/FAC/SEC Faculty/Students Sexual/Intimate Relations (Power Disparity) Policy

Be it Resolved: *That faculty members should avoid any conflict of interest between their professional responsibilities and their personal relationships with students. For this reason, faculty members shall take*

precautions to avoid romantic and/or sexual relationships with students; and be it further

Resolved: *If faculty members and students engage in a romantic and/or sexual relationship, faculty members are required to disclose the relationship to an appropriate supervisor. Together with the supervisor, they shall take reasonable steps to resolve the issue in a manner that protects the respective interests of each party involved; and be it further*

Resolved: *That personnel actions taken as a result of violations of this policy, and faculty rights shall be covered by the applicable policies and employment contracts; and be it further*

Resolved: *That this Policy be placed in the Faculty Handbook upon approval by the President.*

Rationale:

Because of the inherent power disparity between faculty members and students, faculty have a unique responsibility to protect against misuse of that power. Other policies, such as the University's sexual harassment policy, could but do not necessarily cover situations related to faculty-student relationships.

This policy is intended to prevent misuse or abuse of power disparity between faculty and the students they interact with in relation to their position.

Lindsay said that 2 years ago the former VP of Faculty Affairs, Ted Wendt, asked for a policy on consensual sexual relationships between faculty and students. The policy was meant to be limited in scope and non-punitive.

The Provost supports the policy.

Regalado has a question about the wording in this resolution. *"Faculty members are required to disclose the relationship to an appropriate supervisor."* Does this mean those involved or other faculty members who may know about the relationship.

Lindsay said the faculty member involved is required to disclose the relationship.

M. Mayer asked what if the faculty member is a supervisor. Lindsay noted that the faculty member still has a supervisor.

Wendy Smith noted some concerns and asked for clarification on two points:

- 1) Will this policy be retroactive to those in ongoing relationships?
- 2) To say that the harassment policy won't always cover these situations is not accurate because every time you have an intimate relationship between an instructor and student harassment policies will be involved.

McGhee said that he feels that this is not broad enough. He thinks we should include interactions with all the campus community members (faculty/staff, faculty/faculty) and this is still an issue that needs to be addressed. The second item is that this is a situation which should only apply to students in the faculty

member's current class.

Gomula asked if a faculty member would go to the chair or to Academic Affairs, and what would the personnel actions be?

Lindsay said that with respect to actions being taken, these are dictated by the labor agreements.

Regalado is interested in how a romantic relationship is defined. Some might recall the 1964 case where Supreme Court Justice Potter Stewart, in a case that dealt with defining obscenity, uttered "I know it when I see it." What folks forget is that Stewart and the other justices admitted that they couldn't readily define obscenity. And not until a subsequent case in 1973 did they again attempt it, only that time adding loose definitions. By the same token, the resolution defining "A Romantic Relationship" is equally unclear. As such, this places a department chair or supervisor in the awkward position of not only having to define it, but effectively becoming a couples' counselor. So he asks what are the definitions of a romantic relationship.

Khodabandeh thinks the supervisor should be able to determine what constitutes a romantic relationship.

Strahm spoke for Nagel as he lost his voice. She read the following statement:

In current form there is no way Nagel could support this. The policy as written does not distinguish between students in a class and people who happen to be students.

- For instance, it does not clarify the issue of a faculty member whose spouse or domestic partner decides to take classes.
- It fails to acknowledge that there are other "power disparities" among persons on campus.
- In his opinion, it fails to recognize the fact that the persons in question are adults.
- It vaguely refers to "resolving the issue" of these relationships, which may be crossing a line with regard to the scope of the Senate vs. Collective Bargaining agents.

Nagle noted that he believes that there was a policy at one time, but it was removed from the Faculty Affairs website a couple of years ago.

De Vries said that this is not just about whether the student is currently in the class. You could have had students that were in your class and you may have to write a letter of recommendation for that student. We can't just say students in your current classes as there are many other situations where the power disparity could come back to haunt the faculty members or students.

Regalado responded to Khodabandeh that regarding the supervisor making their own decision, he thinks that might be subject to the whims of the chair.

Sarraille thinks a lot of the questions raised so far are revolving around the question of how well stated this sexual/relationship policy is. He agrees there should be guidelines regarding what is appropriate behavior. He asked what references people used when creating this policy, and opined that we can do better. He sees a lot of things that bother him quite a bit, and he would advocate that people try to improve it.

McGhee agrees with several things Nagel and De Vries said. He thinks we have to be careful about making it too all-encompassing because the fact that a student may ask for something in the future should not be a reason for people to discuss their personal lives. If you make it too broad then every time someone even thinks they are in this position they will worry that they need to disclose it. At what point does mentoring a

Christopher De Vries 11/10/11 10:39 AM
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student become something that can be construed as romantic? That is something people might have difficulty adhering to.

Wendy Smith is glad people feel some guidelines are needed. You are right that you are dealing with adults and relationships, but you are dealing with issues bigger than CSU and just sitting on the button of a lawsuit if there is a student/faculty power disparity. It is a realistic consideration when we think about a letter of reference in the future, as the courts impose a "know or should have known" standard. So being concerned about things that "might not even happen" is still a necessary consideration in terms of any intimate relationship between faculty and students. As far as defining a romantic relationship, her assumption is that the "romantic" piece is in there to distinguish it from other relationships. She would avoid using the word "sexual" as the standard as far as intimacy in a couple. If it would help, her office can do training for supervisors if they need it.

Gerson was shocked when she saw this because she thought it did not go far enough. She suggested looking at option "C" on our clicker for Abstain, and even if students do stay for 8 years, eventually they will graduate. She agrees with Nagel and would like us to use the Georgetown document that Sarraile sent around earlier today as a starting point. It is also the case that the student would perceive something as romantic even when the faculty does not.

Khodabandeh wasn't saying supervisors should be experts, but he had the training. He supervises 4 staff members, and if this comes up he feels he has been trained to deal with this.

Burroughs thinks that this is the first discussion and we can clarify these points, but supports the sentiment of the resolution. She thinks the difficulty in trying to define things is that at some point there are going to be different interpretations, for example, she believes she would know if she were or were not in a romantic relationship, but if others were unclear on the matter then perhaps that is their personal issue, rather than an issue at large. There is a sexual harassment policy regarding employment and work-place relationships, but not one for students and she supports the idea of having a clear policy. She echoes De Vries comment that there are cases outside the classroom, including the conferring of awards where there is a wider disparity.

Regalado asked if we are not sitting on a plethora of lawsuits where supervisors miscalculate what is going on. It could mean the end of careers. He thinks the consequences could be dire even given that we have training in this area. He is not in support of any policy.

Strahm wants to add that we need to be careful that we do not create new forms of deviance. If people start to feel that we have a new red scare coming on it creates deviance in people's behaviors to try to avoid this kind of thing. She thinks we need to be careful what kind of policy we are institutionalizing.

Provost Strong thinks we need a policy. He thinks the policy appropriately states that we should take precautions, and the word romantic covers areas that are not sexual. He thinks we need a policy to communicate to everyone that we do not think it is a good idea. Obviously, it is a complicated situation, and it includes a self-report requirement so the faculty and supervisor have an opportunity to deal with the situation in a flexible fashion. He also thinks it is important to be on the record saying that this is a slippery slope that you ought not go down. If you do, you need to tell people about it so the fact that there is the strong potential for a conflict of interest and a disparity of power can be discussed and examined by a neutral party who represents the interests of the university.

Sarraille thanked Gerson for crediting him for finding the Georgetown policy, but he was just a conduit for the person who found the policy. Having looked at the Georgetown policy, he thinks that the policy being developed can be improved. He also thinks development of such a policy might be the type of thing that makes more sense to do state-wide, as it's the same problem on every campus. One would think something as sensitive as this might be best worked out with the involvement of the State-wide Academic Senate. Also, he thinks that because the policy would proscribe behavior, and discipline could result from infractions, it may be necessary for the CSU to meet and confer with CFA about the policy. Another thing that bothers him is that there seems to be a focus solely on faculty/student relationships, which ghettoizes those relationships. There is a larger set of power-disparity relationships to be considered.

McGhee said not to fall into the trap that we are just thinking of freshmen out of high school. We have doctoral and masters programs. The students and faculty can be of similar ages and these situations can be touchy. He has seen situations where students have ended up married to faculty, so it is going to be difficult to try to control what you are going to do with regard to higher level graduate students. His observation is that most people end up dating the people they are around, and we are around students and need to be careful about how we control that and not make people feel deviant about what is normal. This is why you have to make the declaration that when you are involved in a relationship with a student you are evaluating that someone else has to step in.

Khodabandeh said that this seems to be a bigger thing than this policy can handle. He recommends making this a much larger procedural policy. The procedural part of identifying romance and such is the tough part. Having a procedural part that can be modified might better serve the campus.

M. Mayer supports this policy and believes that each faculty member present understands very well the definition of a romantic relationship; it is useless to concentrate on semantics in order to avert the issue at hand. This policy demands ethical, professional, and moral conduct of faculty members. She supports McGhee's assertion that this needs to be broader and it needs to address other relationships with power disparities.

Petrosky moved that we table this item until the first meeting in Spring 2012, seconded by Sarraille.

Vote to table, 35 Yes, 6 No.

The 13/AS/11/FAC/SEC Faculty/Students Sexual/Intimate Relations (Power Disparity) Policy is tabled until the February 14, 2012 Academic Senate meeting.

d. 20/AS/11/UEPC/ Policy for the Suspension and Discontinuance of Academic Programs

Foreman moved the resolution and Khodabandeh seconded.

20/AS/11/UEPC Resolution – Policy for the Suspension and Discontinuance of Academic Programs

BE IT RESOLVED: That the University revises the Policy for the Discontinuance of Academic Programs to include procedures for program suspension, and be it further

RESOLVED: That the title be renamed "Policy for the Suspension and Discontinuance of Academic

Programs,” and be it further

RESOLVED: *That the Academic Senate of California State University, Stanislaus approve the attached revised Policy for the Suspension and Discontinuance of Academic Programs, and be it further*

RESOLVED: *That this policy be effective upon approval by the President, and that this policy replace the current 19/AS/03/UEPC Policy for the Discontinuance of Academic Programs.*

RATIONALE: *CSU Stanislaus currently has a policy for the discontinuance of programs, developed as a result of a letter from the Chancellor’s Office dated January 26, 1979, but we do not currently have a policy on suspension of programs. One program, the major in French, has been suspended, but there is no regularized process by which suspension can be accomplished. The recent issue of the Computer Information Systems major has foregrounded our need for policies leading to both suspension and discontinuation.*

This policy combines program suspension and discontinuance into one continuous process. This fusing of the two policies makes sense for three reasons:

- 1) The features required for discontinuance policies outlined by the Chancellor’s Office require a period of transition during which currently enrolled students are offered opportunities to fulfill the requirements of the discontinued program; this period dovetails easily into a period of suspension that precedes the decision to discontinue a program.*
- 2) Most of the advantages of discontinuance can be realized by suspending a program, but suspension rather than discontinuance gives troubled programs an opportunity to affect changes that may revive their viability.*
- 3) The discontinuance of a program makes reviving it in the future difficult to impossible, so discontinuance should be a patient process resulting in a deliberate choice to be taken only when no other alternatives can be discovered.*

BF:rl UEPC approved 10/13/11

Foreman said that UEPC had been working on this policy for 1.5 semesters when it became apparent that we have a policy on discontinuance but not on suspension. The French program has been suspended since 2004, but we do not have a policy. Chad Stessman worked on this before and we continued this semester and combined suspension and discontinuance together in a single policy that places suspension in front of discontinuance. A program must first be suspended for 5 years before being discontinued. Discontinuance is permanent, and a discontinued program no longer exists on this campus and a discontinuance must be approved by the Chancellor. Restarting a program from scratch must be approved by the Chancellor as well. Also, discontinuance requires that a program be “taught-out” for current students. A suspended program could provide that teach out period. It would not appear in our catalog but it could be restarted at any time. Foreman discussed the points of the policy. A suspended program should offer a timeline for reinstatement

of the program. At the end of a 5 year suspension, discontinuation could be considered.

Khodabandeh noted that UEPC has been working on this policy for suspension for the last month, and he thinks it makes a good balance of involvement from different groups of people. He is glad that it includes student involvement and he very much supports this resolution.

Gomula has questions that need clarification. Most of the document is written with the idea that you will attempt to rehabilitate a program. However, faculty may not want to rehabilitate it so what would happen?

Foreman said that we would have a 5 year suspension and then discontinuance could be affected after that.

Gomula noted that part 5 doesn't include a timeline for how long you have to gather that information together. The last question is if you suspend a program for low enrollment then you can't enroll more students, how would you remedy that.

Boffman noted that part 6 on page 3 suggests that if the budget situation improves, the reestablishment of programs eliminated due to budget cuts takes precedence over the establishment of new programs.

Tuedio said if there were valid reasons that were not budget reasons for suspending a program he is not sure how the stipulations in part 6 would apply to these.

Foreman pointed to the beginning of the paragraph which states *In the event that imposed budget restrictions lead to a request for program suspension, independent of the above listed elements (a through d) or academic validity, the campus shall seek alternatives to discontinuance and shall suspend programs only as a last resort. If during the suspension period the budget improves, the reinstatement of suspended programs shall take priority over the establishment of new programs.*

So the only situation in which part 6 applies is suspension for budget reasons.

The Provost thinks we should allow for discontinuation without requiring suspension. He thinks eliminating the possibility for discontinuation is too restrictive. The policy changes the makeup of the special program review committee to allow up to two people from the program to be on the special review committee. He does not think that any people on the committee should be in the program. At the very least he does not think you should increase the number of people on that special review committee. He agrees that there may be other reasons for suspension other than budget, but he does not think that the policy is accommodating to situations where faculty might not want to create a plan for rehabilitating a program.

Khodabandeh noted that ultimately it's up to the AVP of Academic Affairs who has the discretion to appoint 2 members or 1 member from the program. From a student standpoint, there's no use having a degree that comes with a program that no longer exists. He also thinks that we can discuss changing the 5 year number, but it's important to have suspension before discontinuance. Once eliminated the students won't return. There's no reason for faculty to invest time in bringing it back.

De Vries supports suspension before discontinuation and having up to 2 faculty members on the committee. Suspension achieves the same budgetary reduction as discontinuance, so it does not place any additional burden on the University. When faculty themselves are calling for suspension of a program, having 2 faculty from that dept. on the committee may be better so they can provide information why the program is no longer needed.

McGhee thinks that a cooling off period is important and useful to make sure that it is a reasoned and acceptable decision to discontinue a program. In academia 5 years is a short time, so he doesn't object to this timeline. We do need to be careful of discontinuance of programs. The discontinuance of CIS was pushed by outside forces. He thinks that a suspension would give the department more time to deal with that sort of pressure.

Regalado agrees with De Vries that two faculty members from the affected departments should be on the committee. He would be willing to allow that if no administrators are allowed then we would not require two faculty members.

McCulley noticed that there were allowances for staff noted at some point, but at the very end it does not discuss dealing with staff of the affected programs of discontinuance.

Gomula noted item 8c. and asked if faculty of a suspended program would also need to be relocated.

- c. The President, in consultation with appropriate administrators and faculty committees, shall make every effort to assist in the placement of faculty members displaced by program discontinuance in other appropriate programs or activities in the university, or other campuses in the CSU system.

Yes, per Foreman. The faculty member in French was given additional duties in another department.

- e. **21/AS/11/FAC/UEPC Amendment to General Faculty Constitution (Adding Instructional Designer to Technology & Learning Subcommittee of UEPC)**

Lindsay moved the resolution, seconded by De Vries.

21/AS/11/FAC/UEPC Amendment to Article VI, Section 2.3 of the General Faculty Constitution

(Adding the Instructional Designer to TLS)

Be it resolved that:

The Academic Senate supports an amendment to the General Faculty Constitution, Article VI, Section 2.3 permitting the addition of the Instructional Designer as an ex-officio non-voting member to the Technology and Learning Subcommittee of the University Educational Policies Committee; and be it further

Resolved:

That this amendment be sent to the General Faculty for approval; and be it further

Resolved:

That this amendment be effective upon approval by the President.

Rationale: The Technology and Learning subcommittee has found the contribution of the current instructional designer, who has been a regular guest of the subcommittee, to be very valuable to the work of the committee. They bring forward this resolution to enshrine that working relationship within the constitution. They suggest that Article VI, Section 2.3 of the General Faculty Constitution read as follows:

2.3 UEPC shall, in consultation with the Committee on Committees, establish and

discontinue ad hoc subcommittees as it deems appropriate and necessary. There are four standing subcommittees of UEPC: General Education; University Writing, Assessment of Student Learning, and Technology and Learning. The name, function and membership of all subcommittees shall be published to the faculty. The Committee on Committees shall appoint subcommittee members in consultation with the chair of UEPC.

Subcommittee membership shall be:

General Education Subcommittee: Six members from the faculty; no more than one from each college. There shall be at least three tenured members on the subcommittee. The Faculty Director of General Education shall be an ex-officio non-voting member.

University Writing Committee: Seven members from the faculty; two faculty from the English Department, five additional faculty with no more than one from any college. The Faculty Coordinator for the Writing Proficiency Screening Test shall be an ex-officio, non-voting member of the committee.

Assessment of Student Learning Subcommittee: Seven voting members, four faculty with no more than one from any college, two additional faculty members currently serving as Assessment Coordinators of their academic programs, and one student representative appointed by the President of Associated Students. The Coordinator for Assessment of Student Learning, the Director of the Faculty Center for Excellence in Teaching and Learning and the Faculty Director of General Education shall be ex-officio, non-voting members.

Technology and Learning Subcommittee: Seven voting members: a library faculty representative, five additional faculty with no more than one from any college, and a student representative appointed by the President of Associated Students.

At least three of the faculty members will be tenured. At least three of the faculty members will have experience in the instruction of distance-learning courses and the student will have completed a course with a distance-learning component. The Chief Information Officer *and the instructional designer* shall be an ex-officio, nonvoting *members*.

Terms of the subcommittee members shall be two years, terms to be staggered at the onset by lot. Subcommittee members may include non-members as well as members of UEPC. Each subcommittee elects its own chair each year. The charge of a subcommittee shall be to formulate, review, and recommend to UEPC any policy issue within its purview. Subcommittees under whose purview is the approval of courses for general education or writing proficiency credit have the authority to approve or disapprove those courses

Lindsay said that the campus Instructional Designer, Glenn Pillsbury, has been a regular guest of the Technology & Learning Subcommittee of UEPC. That subcommittee has asked that this person be made an ex-officio non-voting member.

De Vries said that this was requested by the TLS Subcommittee. Having served on that committee before it's always good to get input from members of OIT and open our eyes to new advancements in instructional technologies. The instructional designer has been an asset to that committee.

McGhee spoke in support of this change in membership because having a technical person and a policy person would be a plus.

Held would like to support this resolution. The Instructional Designer has been instrumental in constructing Library tutorials.

Sarraille noted that this is to add the Instructional Designer in addition to the Chief Information Officer. Is there anyone who wants to speak to why it is a good idea to have both?

Foreman echoed Mitch's comments that one member speaks to policy and one speaks to the technological possibility and this codifies his role as a non-voting member.

Petrosky moved to a second reading, McGhee seconded. Vote on moving to a second reading, 34 Yes, 5 No.

Colnic asked what if the position title changes?

Duggan admits that anything is possible. Dr. Glenn Pillsbury is our only designer and at some point there may be more. It's a fair point, but he doesn't see the title changing because it is the primary function.

Eudey said that the question that is raised is one that opens up a broader discussion. We have quite a few committees which name people who currently do not exist. Some campuses do not name the committee members in the constitution but use bylaws for every time you need to change the title. She sees pros and cons to both ways, but it may be something to consider if we take action on it.

Vote results on the resolution, 34 Yes, 1 No, 4 Abstained.

The amendment passes and will go to the general faculty for a vote.

8. Open Forum

The Provost left two documents to be distributed to the Senators. One is a proposal on program prioritization and the other is a chapter on governance.

Speaker Stone said that the comments box will be left FDC office, and faculty are welcome to come by.

Grobner said that regarding the *Improving Academic Governance* article that was passed out. Once we are done with WASC the Provost has agreed to hold some forums on shared governance, so this is a reading assignment. The shared governance item will return to the Senate and the Provost will have a document on his thoughts prepared. This is something he has offered as a starting point on shared governance, and he would like to hold discussions and forums on shared governance.

Regalado thinks it is irresponsible for a Provost to use this as a starting point. Given that this comes right before WASC comes to campus and after his being here for nearly two years; and here we are just now having this discussion when there should already be a document.

Grobner said that maybe he misspoke about this being a starting point, but it's a point for future discussion.

Garcia hopes we will be discussing the three points that we passed about shared governance as well.

Dean Moore thinks this discussion has been going on for some time, and he thinks there is nothing nefarious about this. We need to discuss this. It is clear that this process is a difficult one, but we should resist the temptation to be suspicious of this.

Khodabandeh asked where are we on the Shared Governance rationale line.

De Vries said that we only vote on the Resolved and the resolution being sent forward will not include the Rationale. We allowed discussion and a majority of folks voted and approved the resolution #17/AS/11/SEC Position on Shared Governance. He doesn't feel that we should revisit every motion.

Speaker Stone noted that we have discussed this at SEC and that we may revise the Standing Rules to include a note about rationales.

Gomula wonders how the Provost's memo and the policy fit together.

Peterson noted that at the last meeting she had commented that she had not seen this book on Improving Academic Governance, and she is glad that the Provost has shared this handout from the book. As far as the program reviews, she is concerned with the workload this will involve.

Sarraille thinks the discussion of shared governance will be fine but in some sense it's beside the point, because people really understand shared governance well enough. More to the point is what we do and how we act. How we live up to the tenets of shared governance is at issue. People have to stop taking pot shots, and starting fires in people's back yards.

Foreman said that currently we have no policy on suspension, so whatever comes out of the Provost's prioritization effort will go through whatever our policy is.

M. Mayer said that the timeline for evaluating these programs according to the memo seems very unreasonable.

Tuedio said that this is not primarily about setting a timeline for discontinuing programs. This is about opening up a process of academic program review that is more holistic than we ever conduct in our 7 year APR's. It is looking at the larger scope of our curricular investments in our colleges and how we might set priorities. It is looking ahead to other possible budget reductions, and if we look ahead it allows us to see how we can make investments in light of those changes. The result of this work will come to the Senate and the Provost and out of it may come a recommendation to look at suspension or discontinuance of one or more programs. His impression is that few if any program suspensions or discontinuations would actually be completed in spring 2012. There is a lot in this document that is not about discontinuing programs so much as about how we invest in our programs, and the sorts of trade-offs we are willing to make.

McGhee appreciates what Tuedio said, but the Holistically Review of Academic Programs memo from the Provost says that recommendations of the ad hoc committees are due to the Provost and the Senate by March 1, 2012 and the President shall then announce the final decisions. Does this mean that comments must be made in three months? There are some specific dates noted in the memo and he thinks that it will take longer to do an evaluation of what to discontinue.

Marshall noted that the title of the provost's memo seems to prioritize "the mission of the university," but in the document itself cost reduction and lean principles seem to be the priority, while centrality to the mission is listed as an afterthought. What mission is being referred to? Is it the mission statement of the university? We talked in senate last year about the importance of having a more robust discussion of the university's mission. It is imperative that any discussion about suspending or discontinuing programs be held in that context.

Gomula asked if the Senate is voting on this.

Speaker Stone said no that this is a document provided for discussion. She is sure the Provost would accept our comments, and we are taking notes which we will be passed on to the Provost.

9. Adjournment
4:02pm.