

<p>Special Academic Senate Meeting November 22, 2011</p> <p>Present: Bice, Broadwater, Buehler-Scott, Burroughs, Colnic, De Vries, Drake, Filling, Foreman, Garcia, Gerson, Gomula, Grobner, Hauselt, Khodabandeh, Lindsay, Manrique, Marcell, McGhee, Mulder, Nagel, O'Brien, Peterson, Regalado, Silverman, Stone, Strahm, Tan, and Werling.</p> <p>Proxies: Paul O'Brien for Burroughs, Robert Silverman for Mira Mayer, Taylor Marcell for Christy Gonzales, Sam Regalado for Susan Marshall, Dennis Shimek for James Strong, Chris De Vries for Dawn McCulley, John Garcia for Kurt Baker, and Maryann Hight for Tim Held.</p> <p>Excused: Bettencourt, Bolton, Broadwater, Burroughs, Espinoza, Keswick, Petratos, and Vang.</p> <p>Guests: Sarraille, Schoenly and Tuedio</p> <p>Isabel Silveira Pierce, Recording Secretary</p>	<p>First Reading of 29/AS/11/SEC Resolution in Support of UC Students and Faculty Rights to Peaceably Assemble (Sense of the Senate) Moved to a Second Reading. Passed as a Sense of the Senate.</p> <hr/> <p>Next Academic Senate Meeting:</p> <p>December 6, 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**

2:02pm

2. **Approval of Agenda**

Approved.

3. **Announcements**

None.

4. **First Reading Item (Waiver Requested)**

- a. **29/AS/11/SEC Resolution in Support of UC Students and Faculty Right to Peaceably Assemble (Sense of the Senate)**

Moved by De Vries, seconded by Colnic.

29/AS/11/SEC — Resolution in Support of UC Students and Faculty Right to Peaceably Assemble
Sense of the Senate
November 20, 2011

Be it Resolved:

That the Academic Senate, California State University, Stanislaus supports the rights of students and faculty at the University of California campuses and at all college campuses, especially those in California, to peaceably assemble and freely express their opinions in public spaces; and be it further

Resolved:

That the Academic Senate, CSU Stanislaus condemns the brutal and unnecessary actions taken by police at UC Davis on November 18, and at UC Berkeley on November 9 against peaceful protesters; and be it further

Resolved:

That the Academic Senate, CSU Stanislaus support the UC Davis Faculty Association's call for the immediate resignation of Chancellor Katehi, who authorized the police action against UC Davis protesters; and be it further

Resolved:

That the Academic Senate, CSU Stanislaus reiterate that an academic community is a community based on free and open discourse in which questioning authority is not only accepted, but encouraged; and be it further

Resolved:

That this statement be distributed to all campus chancellors in the University of California System as well as all campus presidents in the California State University System, the Board of Regents of the University of California, the Board of Trustees of the California State University, and the Academic Senate of the California State University.

Rationale: *The Joint Statement on Rights and Freedoms of Students¹ adopted by the American Association of University Professors, the American Association of University Administrators, the United States Student Association, and the Association of American Colleges and Universities recognizes that Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.*

Further, as part of achieving this purpose, the statement goes on to state that

Students and student organizations should be free to examine and discuss all questions of interest

¹ <http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm>

to them and to express opinions publicly and privately. They should always be free to support causes by orderly means that do not disrupt the regular and essential operations of the institution. At the same time, it should be made clear to the academic and larger community that in their public expressions or demonstrations students or student organizations speak only for themselves. As members of an academic community it is our duty to protect the rights of our community members to freely express themselves, to participate in open discourse, and to peacefully assemble. We join with our colleagues in the AAUP in condemning these attacks on free expression². If faculty do nothing to safeguard these rights, then we have failed our disciplines, our universities, our students, and our societies. <http://www.aaup.org/AAUP/newsroom/2011PRs/ucfreeexpress.htm>

De Vries requested waiver for a second reading, seconded by Strahm. Vote results to move to a second reading, 39 for, 0 against, 0 abstentions. The resolution was moved to second reading.

Tuedio discussed the third resolved. In this morning's Modesto Bee Chancellor Katehi said that she did not call on the police to use pepper spray. She said that the police were not supposed to use force. The New York Times quotes that she apologized, and she does not want to be the Chancellor of the University that they had on Friday. Tuedio would like to offer a change in the wording on the 3rd Resolved to read "if it is determined that she did this."

Filling said that this is good point, as we do not know what happened and we will probably never know. Although, she is paid \$400,000 a year to take ultimate responsibility, and though it is nice she said she was sorry, Filling thinks you would hear the same speech from anyone convicted of a crime. He is glad that she showed remorse, but she does ultimately need to take responsibility.

Regalado is the proxy for Marshall and read a short statement from Marshall "It seems like the UC Davis Chancellor is the scapegoat for bad police, but on the other hand someone has to take responsibility."

Regalado added that the President of Penn State resigned for an issue which he maybe should have known about. This issue is different in that it is high profile and she did know. He agrees with Filling that this should not have caught her by surprise.

Garcia said that the MSW is in full support of this resolution, but the third resolved did cause pause and they would like us to discuss it. The other thing the MSW staff wanted him to point out is that we have a tendency to want to vilify an individual when an act such as this is really something that has been building up. The most important resolved to the MSW is the fourth resolved. There is a feeling that the "choose civility" movement is a movement like this, and it is not the individual but a series of acts that we are concerned about.

Marcell stated that his department is also concerned with the third resolved because there was also a violent crackdown in UC Berkeley, but we are only calling for the UC Davis Chancellor to resign.

Khodabandeh thinks we should change the third resolved to reflect support for the decision of the Academic Senates of each institution. He thinks that leaving UC Berkeley out is not a good idea.

Tuedio's point is that we do not know if she authorized this action. When we put a resolution forward, we

need to know all the facts. Tuedio is not speaking to whether we should call for the resignation of Chancellor Katehi as we don't know if she authorized the pepper spraying of the students.

Nagel moved to amend the third resolved as follows:

Resolved: That the Academic Senate, CSU Stanislaus support the UC Davis Faculty Association's call for the immediate resignation of Chancellor Katehi, if it is determined that she authorized the police action against UC Davis protesters; and be it further

Seconded by Marcell. He thinks that it would be in our best interest to adopt the language that Chris mentioned.

Regalado said that we need to be mindful of two things. First, who is doing the investigating and how many are junior faculty on the UC Davis Academic Senate that we keep hearing about. He is concerned about the cohesion of the Academic Senators at UC Davis.

Strahm noted that the people at UC Berkeley were moving and interacting with campus police. The people at UC Davis were sitting passively. She thinks that is the difference. There may be somewhat of a legal difference between people who are passively sitting down and people who are mobile and engaging with the police. She thinks that is why we should focus on UC Davis and not UC Berkeley.

Sarraille said that in the third amendment, as it reads now, what action does that refer to? Is that referring to the pepper spraying or use of some method?

De Vries was thinking at the time he read the report that the police had been called in to remove the students due to health concerns. The article suggested that it was the Chancellor that did that but it was only 1 article that he read.

Shimek believes that the DA of the county is conducting an investigation.

Colnic does not like the amendment because he is not sure who is doing the determining and what they will determine. The UC Faculty Association is calling for the Chancellor's resignation, and we can support the Faculty Association in making that call.

Filling read part of an open letter to Chancellor Linda P.B. Katehi from Nathan Brown who is a board member of the Davis Faculty Association. The entire letter can be found at this link:
<http://ucdfa.org/2011/11/18/open-letter-to-chancellor-linda-p-b-katehi/>

You are responsible for it because this is what happens when UC Chancellors order police onto our campuses to disperse peaceful protesters through the use of force: students get hurt. Faculty get hurt. One of the most inspiring things (inspiring for those of us who care about students who assert their rights to free speech and peaceful assembly) about the demonstration in Berkeley on November 9 is that UC Berkeley faculty stood together with students, their arms linked together. Associate Professor of English Celeste Langan was grabbed by her hair, thrown on the ground, and arrested. Associate Professor Geoffrey O'Brien was injured by baton blows. Professor Robert Hass, former Poet Laureate of the United States, National Book Award and Pulitzer Prize winner, was also struck with a baton. These faculty stood together with students in solidarity, and they too were beaten and arrested by the police. In writing this letter, I stand

together with those faculty and with the students they supported.

One week after this happened at UC Berkeley, you ordered police to clear tents from the quad at UC Davis. When students responded in the same way—linking arms and holding their ground—police also responded in the same way: with violent force. The fact is: the administration of UC campuses systematically uses police brutality to terrorize students and faculty, to crush political dissent on our campuses, and to suppress free speech and peaceful assembly. Many people know this. Many more people are learning it very quickly. You are responsible for the police violence directed against students on the UC Davis quad on November 18, 2011. As I said, I am writing to hold you responsible and to demand your immediate resignation on these grounds.

Manrique said that the Chancellor Dorothy Leland at UC Merced has a very different view. She will not support police force if a peaceful protest is occurring on campus. Manrique read the following “*In 1962 President Kennedy famously said, Those who make peaceful revolution impossible will make violent revolution inevitable.*”

Manrique noted that the UC Davis Chancellor called the police into the campus, and she does not think the UC Berkeley incident needs to be taken into account in this part. She does not support the amendment.

Khodabandeh does not support the amendment, but he does support what Colnic said about supporting the UC Davis Faculty Association.

Schoenly noted that the UC Davis Chancellor has accepted responsibility for what happened. The real question is will she accept or admit wrong doing? There is a 30 day cycle when the first report will be filed and there is a 90 day court cycle for something related. In 30 days it’s likely to be forgotten and will lose its immediacy.

Results of the vote on the amendment, 15 yes, 24 no. The amendment fails.

Strahm moved to amend the third resolved to say “*anyone authorizing and/or supporting*” the police action.

O’Brien seconded.

For Strahm it’s about anyone who supports violence against anyone. O’Brien seconded it for anyone who wants language that is more neutral.

Khodabandeh supports the original amendment.

Shimek said that Strahm mentioned police action. He asked what police action she was referring to.

Strahm is talking about any violent action against human beings. Pepper spray, pulling on people’s arms, pulling hair, wrenching arms etc.

Shimek asked if we could use the words “*violent police action.*”

Strahm would like to add the word “*harmful*” before police action.

Foreman noted that this focuses attention on one person, which might be unfair, but rhetorically it is better to focus on a small target.

Marcell said that although he understands where Strahm is coming from, he thinks that “*authorize and/or support is too broad.*” He would like to remove “*and/or support.*”

Strahm accepted this as friendly.

Filling speaks against the amendment because our colleagues at UC Davis specifically targeted one person.

Results of the vote on the amendment, 17 yes, 27 no. The amendment fails.

Khodabandeh called the question, seconded by Strahm.

Results of the vote to call the question, 38 yes, 1 no. We will now vote on the original resolution without any amendments.

Results of the vote on the resolution, 35 yes, 4 no. The resolution passes.

5. Adjournment

2:40pm