1. **Call to order**  
2:00pm

2. **Approval of Agenda:**  
   Approved unanimously.

3. **Approval of Academic Senate Minutes of January 31, 2012:**  
   Approved unanimously.

4. **Introductions:**  
   Guests were Lauren Byerly, Kevin Nemeth, Robert Marino, Marjorie Jaasma, Annie Hor, Reza Kamali, Halyna Kornuta, Dennis Shimek, Kathy Norman, Linda Nowak, James Tuedio, John Sarraillle and Shauna Keeler.

5. **Announcements**  
   Dean Norman announced that the NCATE/CTC Board of Examiners team had been visiting the College of Education since Sunday and the exit meeting had just occurred. The NCATE/CTC team was here to examine the COE Assessment System. The team is recommending to the NCATE Accrediting Board that the COE met NCATE Standard 2 on Assessment, the 4 AFIs removed, and we will not have another visit until 2017. All other NCATE standards and all CTC standards are met.
Speaker Stone congratulated COE.
Richard Wallace announced the annual student research competition (graduate/undergraduate) qualitative/quantitative research. Applications are due February 23rd at 5pm in the office of Research and Sponsored Programs. The top two in each category will go on to the state competition. Our competition is March 9th; the State competition is May 4th and 5th at Long Beach. If you are interested in judging contact Nancy Lewis or Heather Adams in the Research and Sponsored Programs office.

Mehran Khodabandeh mentioned that February 16th–23rd is the annual homecoming week. Also, they are putting an ice skating rink in the Warrior Arena. It is free to faculty/staff/students. There will also be free skate rentals.

Provost Strong noted that at the last meeting he was asked about the President’s comment that the Holistic Review Committee will be looking at all divisions. That was a misstatement; the Holistic Review Committee will only be looking at Academic Affairs.

6. Committee Reports/Questions:
Nagel asked how did it come about that the Graduate Council was asking whether we have a Graduate School. It seems like the notes characterize something about concern regarding there being a Dean of the Graduate School, and he would like it addressed.

Colnic said that the question asked about whether there is a Graduate School was due to changes in some offices and concerns about who was leading the Graduate School. We formerly had a Dean who was removed in 2005 or 2006, and then we had a head staff person who also left. Therefore, there is no academic oversight of the programs aside from the individual College Deans. There has been a strong interest on the Graduate Council to reinstate the Graduate Dean.
VP Kornuta said that when there is communication to our school regarding our graduate program, she represents that.

Regalado asked why was the Graduate School dismantled to begin with?

Colnic said that the removal of the Dean was before he was active in the Graduate School, and he thinks that was to transfer authority to the colleges. Many of the longer term members of the Graduate Council have disagreed with that decision. The issue that brought up Graduate School being dismantled was the movement of many staff members who have duties for the Graduate School to other offices. If the school does not have a space, we wondered, does it even exist. Graduate Council will revisit this this Thursday.

Regalado asked is it fair to say that move is based on cost effectiveness or academically based. Colnic said that it was due to cost.
Baker doesn’t think so. When the Dean was removed it was by fiat of the President without budget regard. Now there are budget issues, but the President has agreed to place a Dean in there. Provost Strong asked Halyna Kornuta to work with the Graduate Council and do an assessment of what we want the Graduate School to be and what the current status is Academic Affairs, working with the Graduate Council and other stakeholders, will do an assessment and some short term and longer term planning to create a more specific strategic plan for graduate programs.

Mayer asked where does it leave existing programs?

Colnic note that right now representatives set policy for curriculum issues through the Academic Senate, while funding and other issues go through the individual colleges. There is minimal centralized administrative structure at the university levels.

Mayer said that the Graduate School was very helpful in the past as far as recruitment. Her understanding is that if we really want to increase enrollment it will be difficult without their help.

O’Brien has a question for VP Espinoza. In his college they were asked to look at their prerequisites for classes and had a soft deadline for tomorrow. He just checked with Dean Tuedio to be sure he received that. Could you give us some idea as to when that will be implemented? V.P. Espinoza said that a consultant will help us with prerequisite building. We would like to do that quickly. She doesn’t know if we’re ready to commit for summer because she doesn’t know how big the job is. She is glad that O’Brien’s department has looked at that. We’ll be in a better position in the coming week to look at that.

O’Brien said that it was good for them because they haven’t looked at this much in the past, but now they have spent a considerable time on it.

Provost Strong said to make sure departments have their prerequisites the way they want them to be because prerequisites will be enforced when they are added to PeopleSoft. If departments are in a situation in which they have a lot of exceptions, then they might want to eliminate the prerequisite or assess student preparation in a different fashion.

McGhee asked if PeopleSoft is going to be designed to take care of prerequisites for students who are currently in prerequisite classes for the next semester’s courses? If you don’t allow students to preregister for classes for which they are currently taking prerequisites, then those classes can be filled by other students with lower registration priority because the system is not designed to allow the students currently taking the prerequisites to register.

V. P. Espinoza said that another complication for us will be the time period between now and when we have all the student records entered into the system. Until that time, the system will be unable to determine if the student has met the prerequisite or not. We hope to make both functions go live at the same time.

Burroughs asked if there will be a process to fast track some of the curriculum changes? One of the
things we have noticed is that we now have 4 courses that need changes to prerequisites and will require course modifications. Will there be a process to fast track those courses?

Provost Strong’s understanding is that we do have a system to allow students to register for Accounting II if they are currently in Accounting I, and if they fail Accounting I it will take them out of Accounting II.

Tuedio noted that Lisa Bernardo said that we have that capability. Provost Strong agreed that he thinks students may register for course “A” in the following semester if they are currently enrolled in the prerequisite for course “A.” Students will be disenrolled automatically if they fail the prerequisite for course “A.”

Tan asked about Open University students, will we check the prerequisites for them?

Provost Strong assumes that Open University would function like the normal University.

Nemeth thinks that verifying prerequisites would be up to the faculty, because that person will not necessarily be in the PeopleSoft system.

Provost Strong will check on that because he doesn’t think we can have one system for regular students and have faculty handle it for others.

Gomula asked about Liberal Studies students who have prerequisites waived.

Provost Strong said that there is no waiving of prerequisites as PeopleSoft is a software system. There can be instructor exceptions, but they cannot be handled in an automated fashion. If a prerequisite is programmed into PeopleSoft/CMS, it will be enforced.

McGhee wanted to make sure we are aware of how Open University works. We have students who come in with degrees from elsewhere who attend for a professional reason to take a particular course. Their records will not be in our system.

Provost Strong noted that he’ll look into it.

Tan wanted to share her personal experience. Her son was at CSU, San Jose and CMS did check prerequisites, but it also gave the instructors the chance to disallow enrollment so that the professor must manually enroll every student. It allows students to be evaluated on a portfolio for entry to a class. She’s wondering if the CMS can be programmed in that way for professors who are very picky.

V. P. Espinoza is not sure it can, as the complex thing is the policy around it.

7. **Action Item (Second Reading)**
Lindsay urges your support of this resolution and asks you to note its similarity to an AAUP policy entitled Consensual Relations between Faculty and Students.

13/AS/11/FAC/SEC Power Disparity Policy

**Be it Resolved:** That the Academic Senate of the CSU Stanislaus adopts the attached Power Disparity Policy, and be it further

**Resolved:** That the Power Disparity Policy take effect upon approval by the President and be placed in the Faculty Handbook.

**Power Disparity Policy**

Faculty members should be alert to and avoid any apparent or actual conflict of interest between their professional responsibilities and their personal relationships with students or those over whom they exercise supervisory, evaluative, or other power or authority. For those reasons, faculty members will take precautions to avoid romantic and/or sexual relationships with such individuals.

If a faculty member identifies circumstances that suggest a potential conflict of interest he/she is required to disclose the relationship to an appropriate supervisor. Together with the supervisor, the faculty member will take reasonable steps to resolve the issue in a manner that protects the respective interests of each party involved.

Personnel actions taken as a result of violations of this policy, and faculty rights are covered by the applicable policies and employment contracts.

Approved by FAC on 11/30/11

Nagel moved to substitute the resolution with the AAUP Statement.

Lindsay said that the AAUP statement is not in the form of a resolution or of a policy.

Nagel suggested the following revision to the AAUP Statement.

13/AS/11/FAC/SEC Power Disparity Resolution

**Be it Resolved:** That the Academic Senate of the CSU Stanislaus adopts the attached Power Disparity Policy, and be it further

**Resolved:** That the Power Disparity Policy take effect upon approval by the President and be placed in the Faculty Handbook.

**Power Disparity Policy**
Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students. In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation and supervision of the student.

O’Brien seconded.

Nagel said that many of us have raised this issue many times. The sticking point is the requirement that faculty disclose these issues to a supervisor and the phrase “resolving the issue.” Several issues have been raised. It is not a question as to whether these relationships are appropriate or not, but issues about putting faculty into vulnerable positions should this policy be misapplied. What the AAUP statement gives us is removing language about reporting and substitutes it with taking steps to avoid the conflict of interest. So the AAUP statement is more about ethics and less about reporting and monitoring.

O’Brien agrees with many of the emails that have gone around on this issue, and he agrees with this AAUP statement for the reasons Nagel suggested.

Khodabandeh likes the FAC version. You have to report these things. Supervisors are there for protection of the employees, and he thinks that this is a discussion that non-academic departments are talking about. As a supervisor, he has to deal with this. He doesn’t understand why you can’t take this to your supervisors.

Wendy Smith prefers something over nothing. She would like to plant a seed for you to think about. We’ve been dealing with these issues and we have been dealing with them without a policy. While she is well aware of the AAUP statement, it is a statement not a policy. It leaves her without any effective guidelines once again. It leaves her out of the loop until things get nasty. Please take into consideration that any policy needs enforcement guidelines, but remember we are a unionized campus and you have processes and representation if you are being accused unfairly.

Foreman is concerned about this motion. If we look at the next to the last line it says “effective steps should be taken.” This is a statement and not a policy, and since it’s in a passive voice it does not say who should take these steps. This gives anyone license to take any effective steps of their own devising. He also pointed out that sharing this information is a good idea especially since we know about the effect of romantic love on the brain.
Bettencourt spoke against this motion. In the Counseling Center we believe students are adversely affected by these relationships.

Nagel is quoting the FAC proposed policy. “Together with the supervisor, the faculty member will take reasonable steps to resolve the issue in a manner that protects the respective interests of each party involved.” That is just as vague as the AAUP guidelines. He agrees that the FAC proposed policy protects the University from some liability, but it also shifts liability from the University onto individual faculty members.

Regalado speaks for the adoption of Nagel's language and against the FAC Resolution. The student representative presumes all accusations are accurate, but what happens when they are not accurate. Also, the Compliance Officer has argued that she deals with this a lot, but so do Department Chairs and we have seen many baseless accusations. These types of accusations can be extremely damaging. Other universities besides Georgetown also include policies which are more inclusive. The miscalculation on this is that it ruins careers, it ruins families, and there are no safeguards against that in the original proposal. He believes that the original proposal opens us to vendettas, so he speaks against the original policy.

Khodabandeh understands that there can be false accusations, and he has dealt with that. What he is saying is that the faculty and student involved should accept liability and should report it to the supervisor. It shouldn’t be the institution. He thinks there are measures in place to prevent false claims and measures in place to protect the accusers. Also, what is left out of the AAUP statement is that they do not say who is involved in the decision making process. He thinks the FAC resolution is more involved than the AAUP statement. The FAC resolution is well written, and if we want to take the MPP into account then that should be requested to the MPP.

Regalado replied to the student representative, how do you prove there is a relationship if both parties deny it.

Khodabandeh noted that he would investigate it.

Regalado asked what definitive proof would you have?

Speaker Stone stopped the line of inquiry.

Wendy Smith wants to be very clear that to say one policy creates liability for the faculty and one doesn’t is inaccurate. If you have a relationship with a student you are in liability in spades. That said- Regalado brings up some interesting points. Since you are not required to report it, then there is ambiguity. If it is reported, then the presumption is innocent until proven guilty. It really is a way to provide objective eyes to a subjective situation. To leave this as is leaves reporting up to the faculty and take power away from the student.
Sarraille thinks that the existence of this statement, if well publicized, is useful to the students. With respect to who you notify, he would think it would be more appropriate to seek the council of an advocate or a lawyer. Someone who is in their corner and whom they are sure is in their corner rather than be forced to contact a supervisor who has another conflict of interest. He is in favor of the substitute motion.

**Vote on substituting the language, 23 for, 21 against. The substitution passes.**

Lindsay was in support of the resolution approved by the FAC. Earlier he mentioned that the AAUP statement and FACs policy are substantially the same, and he strongly supports approving the AAUP’s statement.

Foreman raised the concern that the actor in that statement is undesignated. We now have a policy before us that says someone will take effective steps. What if those steps are ineffective, will I be on the hook?

Bettencourt added language to the last sentence: *“When a sexual relationship exists, the faculty member shall take effective steps to ensure unbiased supervision and evaluation of the student.”*

Nagel called a point of order: Is this substantive?

Speaker Stone overruled.

Khodabandeh asked what oversight is there of the faculty member? He thinks it is lackluster at best and it still leaves the student under risk. What effective steps are in place currently?

Regalado said that we do have a sexual harassment policy already in place.

Speaker Stone asked if we are in favor of the amendment to change the language?

Mayer does not like it because we put the burden on the student and the faculty is clear and free. It doesn’t sit well with her.

**Vote on language change, 33 yes, 10 no, 1 abstention.**

Amendment accepted to final language.

Khodabandeh thinks that we want to avoid the sexual harassment policy and avoid it as much as possible.

Wendy Smith is a little disappointed in the change as well, but something is better than nothing.
This is an issue we take seriously and will not take lightly.

Provost Strong strongly supports the motion.

McGhee doesn’t think that we should limit it to sexual relations. He thinks there are other relationships that can be generated between two people that is not sexual, but power is involved to get people to do things they may not want to do. Unfortunately, this is all one-directional. The student is the one being taken advantage of but it can go both ways. If you have students acting basically as slaves to faculty that is not sexual but abusive. If we are going to protect people, we should protect them and not just talk about one class of the relationship. If you have, for example, a parent in your class you realize that they can just go home and look at the exam. All these need to be addressed, not just the sexual issue. This policy sounds more like it’s an older faculty with a new student out of high school. That is not all we have, we have situations where the student is older than the faculty. He is against this policy being too narrow.

Petrosky asked if someone can explain how this policy improves the current situation?

Baker noted that if you have romantic feelings, you document what you are doing and no longer grade their papers. Now that you have taken effective measures and documented them it helps to protect you. Documentation is very critical.

Bettencourt said that this doesn’t prohibit a faculty member from consulting with department chairs or Wendy Smith.

Mayer wants to piggy back off Baker’s comment. In Psychology we have a code of conduct we abide by. Any sort of relationship is very much frowned upon, sexual relationships are frowned upon. You have to wait 2 years in therapy. This is also an institution that serves students and people. Why not adopt existing policies that are available to us? She wants a policy in place and wants it much more detailed.

Regalado spoke against the policy. This provides no safeguards. Power disparity creates as many problems as it eliminates. It can be used to limit the faculty voice on non-related issues. Under this policy one could be accused of inappropriateness for having coffee with a student.

Baker sees the concern for false accusations, but that could occur regardless of the existence of a policy. Maybe we need to address the concerns associated with false accusations. He thinks that approving this policy will help us in the long run.

Wendy Smith said that the policy is a safeguard in and of itself because right now people come out and make these accusations. The policy does not trigger accusations. This policy allows us to have a paper trail and it puts the faculty under a presumption of innocence. Accusations are going to happen. The policy gives everyone a roadmap of what to expect and it helps protect the faculty and student by assuring there are clear guidelines.
Bettencourt supports this. He thinks it falls somewhat short, but it’s a starting point.

Tan prefers this one because she does understand what it means, but when it comes to “power” that is more confusing.

McGhee asked if someone can provide a clarification on what the wording means. What do we mean, “the professor in an academic or evaluative role”? What is the academic role mean?

Bettencourt said that it could include evaluating a field placement or other types of supervisory capacities.

Regalado continues to speak against this proposal. It is so heavily weighted against the faculty that there is already a presumption of guilt. How we are able to exclude MPPs from this policy is beyond him. To hear Dennis Shimek say he is working on one, all he can say is that talk is cheap.

Shimek takes offense to that comment. There is an MPP policy drafted, and he takes strong exception to the terminology used by Regalado. Khodabandeh is supporting this just for the sake of putting something together. He would be happy to take this to the students and ASI may be asking that it be reevaluated.

Garcia thinks the statement is pretty powerful. The whole first paragraph is about why this is not a good idea and he thinks that protects students.

Baker noted that the whole point is to protect students. It may not have the teeth that Khodabandeh wants, but that’s a different thing.

**Vote results for the amended policy, 29 yes, 15 no, 1 abstention. The policy passes.**

Grobner shared that he has seen the document for MPPs and it does exist.

8. **Open Forum**
   a. **Continued Discussion: Ad hoc Program Prioritization Review Committee to Holistically Review Academic Programs (Final version dated 2/06/12 shared with campus community)**

Provost Strong said that the committee is going to meet on Friday. He has asked the Deans to begin discussing the memo with their department chairs. He has offered to talk to any departments that would like him to visit their department.

De Vries noted that as we embark on this holistic review, he urges us to make whole use of the data available. Recently, the President and Provost have been talking about the so-called “low enrollment” courses (courses with fewer than 15 students). In their most recent communication to SEC they noted that they have identified 70 courses with fewer than 15 students and claim that
there are 599 open seats in GE courses. He will not argue with these numbers, though he believes we could bicker about them. What he would like to do is talk about the ignored over enrolled courses.

The data provided by the Provost suggests that 467 sections are above their maximum enrollment caps. This includes 53 sections in the College of Business Administration, 51 in the College of Health and Human Sciences, 178 sections in the College of Humanities and Social Science, 109 sections in the College of Natural Sciences, 24 sections in the College of Arts, and 52 sections in the College of Education. In total these sections are over enrolled by 2016 students, so redistribution of these students into the 599 so-called open seats is just not possible.

The Provost indicated that at our February 7th SEC meeting that he believed the average number of students per section was 24, but the data shows that number has grown to 30.11 students per section.

De Vries said that the Provost Strong noted that there is not a predetermined conclusion about what we should do relative to the charge in the Holistic Program Review memo. The need for a holistic review is brought on by a reduction of resources, and tough decisions must be made and should first be driven by the mission of the University. We need to have everything on the table, look at it holistically, and have one large decision so we are not isolated and optimizing sub-units to the detriment of the University as a whole. Operationalizing that is difficult, but we are in an unprecedented time of restrictions. The model that was originally developed for the CSU (resource allocation and funding) was developed in the 1960s and is no longer effective.

Often the underlying thrust of the President and Provost’s arguments seems to be that we, the faculty, are not doing enough. De Vries interpretation of these numbers is that we are doing a lot, and the question that should be foremost on the mind of the members of the holistic review is whether we are maintaining our academic standards in the face of the current budget crisis.

One final remark on the holistic review. You may notice item 7 of the areas for review is, “Examination of the control mechanisms in place to assure faculty instruction and assigned time WTUs total 24 per academic year.” De Vries assumes that proper management and planning would help to maintain the workload at appropriate levels. He believes that departments and colleges do a good job at maintaining these levels, but what does not help is the elimination in the run up to the beginning of the semester of many sections, and the subsequent reinstatement at the last minute of many more. The sudden mid-semester removal of assigned time without commensurate removal of duties associated with that time, and the general lack of any ability for departments to make long-term plans. He urges the Provost and Deans to give departments the chance to hit adequate enrollment targets, plan workload, and maintain our programs in the best interest of our students and our disciplines. He believes that faculty are in the best position to assess demand for classes, develop pathways for our seniors and super seniors to graduate, and manage workload within the department.
Foreman hopes that the steps suggested in the review that departments will be allowed to take credit for things they have already done to maximize efficiencies, even to the point of stretching our resources. We should not see this point in time as a baseline, but we should take credit for efficiencies we have made in the past five years.

Provost Strong noted that there is not a predetermined conclusion about what we should do. This is brought on by a reduction of resources and tough decisions related to our mission. We need to have everything on the table and look at it holistically and have one large decision so we are not isolated and optimizing sub-units. Now operationalizing that is difficult, but we are in an unprecedented time of restrictions. So the model that was originally developed for the CSU (resource allocation and funding) was developed in the 1960s and is no longer effective.

O’Brien hopes that the committee members review our APR’s so that all that work is not ignored. Regarding the budget, everyone is looking toward November, so he is not sure how that ties into the program prioritization process.

Garcia said that he’s going to take the Provost at his word that it is the resources and demographics that is driving this review. If that is the case why are we only doing this in one division?

McGhee is concerned how resources are being allocated. In the last few years we have gone to non-state support for the summer. Now he hears that those funds are restricted. Are we using our efforts in the best way if those resources cannot be used? He hopes that since that was dictated from the top down; if we find that the utilization might be changed and we can generate funds better that this can go from the bottom up as well. We’re going to have to be very careful about balancing what we say we are going to do to get the best utilization. For the long term, that will mean providing a better path for the students to graduate.

Saraille is tempted to try to make a metaphor about the year of the dragon. In times such as this we have to fall back on first principles and try to give our students a quality education and we should not get distracted from that.

9. **Adjournment:**
   3:32pm