

<p>Academic Senate May 10, 2016 Present: Alvim, Azevedo, Bell, Bernard, Bettencourt, Cooper, Crayton, Dorsey, Eastham, Espinoza, Hoover, Regalado, Gonzales, Guichard, Huang, Larson, Loza, McCulley, Nagel, Panos, Park, Peterson, Petratos, Petrosky, Ringstad, Sims, Strangfeld, Strickland, Stone, Provost Strong, Strahm, Taylor, Thompson, Vang, Wellman, Wood and Zhang.</p> <p>Excused: Advanced Studies, Broadwater and Wagner.</p> <p>Proxies: C. Floyd for Manrique, and Sarraillé for Silverman, Strahm for Filling, Bell for Hauselt, Ringstad for Garcia, and Peterson for Odeh.</p> <p>Guests: Mark Grobner, Oddmund Myhre, Helene Caudill, Ronald Rodriguez, Marge Jaasma, David Lindsay, James Tuedio, Glenn Pillsbury, Dennis Shimek, Doug Dawes, Police Chief Andy Roy, Scott Davis, Stan Trevena, John Tillman, Wade Williams, Corey Cardoza, Andy R Louise? Tim Overgaauw, Melody Maffei, Patty White, Marvin Hooker, Michael Matoso, Donna Andrews, Cesar Rumayor, Betsy Eudey and Lauren Byerly.</p> <p>Isabel Pierce, Recording Secretary</p>	<p>Second reading items: 11/AS/16/SEC Shared Governance & the Strategic Plan Passed.</p> <p>9/AS/16/SEC Time, Place and Manner of Free Speech Passed.</p> <p>Discussion items to be carried over to 2016/17: Drug Free Campus and Workplace Policy The Sale, Consumption and Possession of Alcoholic Beverages Protection of Minors Consensual Relationships & Power Disparity Policy</p> <p>Next Academic Senate Meeting: August 30, 2016 2:00-4:00pm, JSRFDC Reference Room 118</p> <p>Minutes submitted by: Chris Nagel Clerk</p>
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1. Call to order

2:00pm

2. Approval of Agenda

Approved.

3. Approval of Academic Senate Minutes of April 26, 2016 (distributed electronically)

Approved.

4. Introductions

Guests: Mark Grobner, Oddmund Myhre, Helene Caudill, Ronald Rodriguez, Marge Jaasma, David Lindsay, James Tuedio, Glenn Pillsbury, Dennis Shimek, Doug Dawes, Police Chief Andy Roy, Scott Davis, Stan Trevena, John Tillman, Wade Williams, Corey Cardoza, Luis Segovia, Tim Overgaauw, Melody Maffei, Patty White, Marvin Hooker, Michael Matoso, Donna Andrews, Cesar Rumayor, Betsy Eudey and Lauren Byerly.

5. Announcements

Trevena introduced the following OIT employees: Louis Segovia comes to us from the East Bay and he will be the classroom technician. Corey Cardoza assumed management over the Distance Learning and Media Production Dept. They have moved directors. Also welcomes Wade Williams who came to us from the Stanislaus County office of Education. He will be overseeing desktop and network. Welcome to all.

Scott Davis reminded all of the 45th Annual Faculty B-Que Saturday 14th May at 4:30pm at Teague Park.

Strickland shared information that 82 of 247 student athletes were recognized this past month with GPA of 3.25; 14 were invited to join Phi Kappa Phi including Nicole Larson. Larson stated that Phi Kappa Phi invites only the top 7% of juniors and 10% of seniors. Additionally, 3 student

athletes were recognized during the student leadership awards for academia awards. Strickland thanked the Senate and SEC for listening to the challenges for Athletics. Twenty CSU campuses have priority registration for athletes. Our campus needs to consider early registration for student athletes to meet the criteria set forth by the NCAA, effective August 2016.

In a meeting with SEC, Lisa Bernardo stated that it wouldn't have an impact on other students. This new resolution is brought forward by ASI, not Athletics, and was accompanied by 1500 signatures. Our student athletes are doing well and progressing towards their degrees. They're going to be assets to our community and will be successful not only here but in life. Strickland distributed information about early registration for student athletes.

Provost Strong announced that he and VP Espinoza as co-chairs of the PACE Working Group submitted a comprehensive plan to the president. He thanked the working group's members and commented on the group's unanimous support for the plan and the comprehensiveness and boldness of the plan. He stated that this is an important accomplishment.

Dawes provided an update on security changes to take place over the summer. Chief of Police Andy Roy distributed a document with maps of the Bizzini Hall. Roy announced that card access to Bizzini Hall will be implemented over the summer. OIT is donating eight cameras which will be focused toward exterior doors. If UPD receives a threat they will be able to lock down the system. Faculty will be able to use their ID cards to lock their classrooms down.

Dawes stated that during normal hours we won't see much difference; the difference will be noticeable for those teaching off hours, e.g., on Saturdays. The building will require card reader access, which will be added to already existing ID cards.

Strahm asked if card reader access would provide a means to know when a faculty member has entered a building. Roy responded that it would, but that the information would not simply be provided to anyone.

Peterson added that the capacity to tell if a faculty member is in a building could be good, if they were looking for your body.

Regalado congratulated Strickland on the academic success of student athletes. Among the universities mentioned, where do our students rank in scholarship?

Strickland did not have that information, but said that the 82 of the 247 with GPA of 3.25 or higher, and 14 were invited to join Phi Kappa Phi which are pretty good indicators of success.

Regalado repeated that his question was about the university's rank compared to other schools.

Strickland replied that within the CCAA conference, all of the other teams have priority registration for their athletes. We don't have a lot of students on scholarships, and most are not full scholarships.

Thompson announced that the Spring GF meeting will be Thursday 12th May, 2-4pm in FDC 118.

6. Committee Reports/Questions (FAC, FBAC, GC, SWAS, UEPC, other)

FAC (Sims): Their last meeting was on April 20th and he will provide an update later on the consensual relationships and power disparity policy.

FBAC (Peterson): No report.

GC (Ringstad): GC held one meeting since the prior Senate meeting. They discussed the GC's role working with CECE on strategic plan items for the first preliminary report due in September. They also discussed graduate admission requirements for English proficiency. These will be carry-over items for next year's GC.

SWAS (Strahm): No report. Steven Filling has served for 2 years as Chair of SWAS and he will be stepping down, but he will still remain on the Executive Committee of SWAS.

UEPC (Stone): UEPC basked in the glory of passing the time modules for course scheduling and had cake to celebrate. Regarding the APR timelines, they made some suggestions, including that each department has full editorial control of the document. This will be returned to SEC for next year.

7. Second Reading Items

a. 11/AS/16/SEC Shared Governance & the Strategic Plan

Thompson noted that SEC had further discussion and no changes were made to the resolution.

Provost Strong distributed a memo in response to the SEC memo. He added that there was some misunderstanding between himself and the speaker and speaker-elect regarding the president's position and how the situation could be resolved, while having a resolution recommending the Strategic Plan come through the Senate. The Senate can pass any resolution they see fit, but a recommendation on the Strategic Plan will need the president's support. The provost noted two conditions: that the Senate must agree that it views a formal recommendation regarding a strategic plan to the president as an exception to normal shared governance matters and process, and that such an exception by one president is not binding upon the same or another president in the future (i.e., the exception must be reconsidered each time a strategic planning process is launched). In the proposal for strategic planning there are 14 steps that prescribe shared governance and consultation.

Thompson reported that he had not seen this memo until 45 minutes before the Senate meeting, and SEC has not discussed this memorandum. He has held his tongue this year as speakers should do, but on this matter of process he said he was going to engage as he felt necessary.

Thompson clarified that the information in the clarifying memo on TRPC had been an oral presentation. Thompson had asked for it to be put in writing so that SEC could look at it. He agreed that there was a misunderstanding and this memo had not been presented in time for SEC. Further, the clarifying memo doesn't reduce to writing what was discussed at TRPC. For

instance, the president is now saying that the Senate must agree that a resolution recommending the Strategic Plan would be an exception, and that the Senate must endorse the process. None of that was part of the process as discussed in TRPC. It is unclear whether the administration expects that this will be considered and accepted now by the Senate, or whether it would be considered in the fall. It is not clear what the envisioned timeline would be for meeting the president's demands, as outlined in the provost's memo. What is in the memo regarding consultation on the Strategic Plan that is similar to what has been discussed in SPWG, but SPWG has not settled on or approved the process. It's not clear how the Senate could endorse this process today, unless it is also the message from the president that the Senate has replaced the SPWG as the body that will endorse the process for the Strategic Plan.

Sarraillé stated that whatever is in the memo shouldn't be processed now; we should do what we came here to do, which is vote on the resolution on the floor. We should allow a sequence to unfold after this meeting. Perhaps the personnel we work with will change before we have to act.

Provost Strong said that it was correct that there is some additional information regarding the president's position, and it was presented on 2nd May to SEC. The misunderstanding is that he embedded that additional information into the document, because he thought it was relevant. He thought that the speaker and speaker-elect were going to share this information with SEC. They thought that he would submit a different memo. When they brought that to his attention on Friday, he began working on the memo. The administration feels that the resolution is not warranted and we can work this out.

Thompson agreed that this was a good description of what occurred. The difference was the intersection between SPWG and the conversation between the president and SEC.

Strahm agreed with Sarraillé that we should move forward regardless of the memo provided by the provost. When she was chair of UEPC and they put forth the resolution for the two pass registration system, the president came back with a conditional approval. That is not how this body works, nor how it has worked historically. There is a history of the president attempting to undermine the idea of shared governance through these kinds of last minute, 11th hour agreements with power reserved to the president. She was not surprised by this but understood the faculty commitment to shared governance is not about the president telling us unilaterally how shared governance will operate.

Regalado agreed with Sarraillé. While the current president is the recipient of this resolution, we will have a new president before long. The new president should understand where the faculty stands on shared governance and the role of the faculty in Strategic Planning. The Senate needs to send a message about where we stand as far as the integrity of the university.

Peterson disagreed with the statement in the provost's memo that a resolution from the Senate would be "an exception to normal shared governance structures and processes." The normal process is that the Academic Senate provides a recommendation.

Thompson stated that the Senate recommended the mission, vision and values documents posted on the Faculty Handbook.

<https://www.csustan.edu/faculty-handbook/mission-vision-values>

Espinoza stated that the president has articulated a process allowing many stakeholders to participate and in Strategic Planning and be involved in establishing institutional priorities. The steps outlined are detailed regarding various points of consultation and multiple places where differences of opinion can be discussed. It underscores that this president does believe in shared governance and goes to much trouble to assure that shared governance does take place. There are other constituencies on campus that want to be involved.

Thompson noted that the memo does provide for robust consultation with the president involved.

Petrosky noted that in the prior Senate meeting when the resolution was introduced, we were told that the president did not attend because there was only one day of lead time. This time there have been 15 days. Is there a new excuse for the president's absence?

Provost Strong said that the president believes that the Strategic Plan is not part of the General Faculty Constitution. The president has brought forth a compromise over what constitutes shared governance with faculty and what constitutes consultation with faculty and other stakeholders. He feels that the previous precedent of two Strategic Plans going through the Academic Senate as resolutions does not fit with the constitution and shared governance. Strong said he recognizes the importance of faculty and their involvement in the Strategic Plan process, and the process laid out ensures significant involvement of all stakeholders including faculty.

Sims offered clarity on the issues. There is an irony, in that this set of issues arose because we got stuck in the SPWG over process. We had specific disagreement whether the Strategic Planning committee should propose the Plan through the Senate for recommendation. This has led into the more philosophical issue of the boundaries of shared governance. As the conversation has turned toward the larger issue, there appears to be agreement on the iterative process of consultation that honors all stakeholders on campus and still allows formal Senate review and recommendation—what the faculty views as precedence on campus. This leaves open the genuine, substantial philosophical issue that merits substantial conversation going forward—if the president wasn't retiring in a few weeks. It is irritating to be asked to resolve this larger issue quickly when the president is retiring. We can simply wait to have that conversation with the new president.

Thompson clarified that if the president is demanding that the Senate must agree that this is an exception that will prevent any agreement in SPWG over process.

Sarraillé responded to two points raised repeatedly that did not make sense to him, but that if repeated often enough may be accepted despite having little basis in fact. First, there is nothing about the Senate voting on this that has any impact on whether other constituencies can take part in consultation. Second, relatedly, if we vote on this he doesn't see how it constrains the president. Why do those who have power address those who have the right only to advise and consent chastise us for wanting to express our opinion on the matter—as though that were somehow a violation of their rights.

Regalado said that it needs to be made clear that there is nobody more important than the faculty in the university. The faculty teach the classes, they are involved in shared governance. The faculty more than any other body promotes the university through publication and scholarship. We recruit students. From every angle, there is no body that plays such an important role in every area of the university. Saying the faculty have no role in recommending a Strategic Plan is irresponsible.

Petrosky followed, saying, “Regarding the dilution of faculty participation in strategic planning, I wish I could simply illustrate my point by speaking of the differences between line officers and staff officers. But since not all of us grew up in a military family, let me use an analogy. So, imagine that the Love Boat is adrift on a stormy sea, and Captain Stubing has been incapacitated. Who should steer the ship? Well, Doc is nearly as experienced in his own right as Captain Stubing, but he’s a doctor and knows nothing of steering the ship. Julie is perhaps the finest Cruise Director in the Princess line, but she knows nothing about steering the ship. Isaac, the ship’s bartender, makes a mean martini and is pretty high in the credits, but still knows nothing about steering the ship. Despite the fancy titles and salaries Doc and Julie and Isaac have been given, despite their skills in their respective supportive areas, none of them have the understanding of the ship’s core functions that even the lowliest of ships’ boatswains have. On our campus, we rely on our staff officers to package the best employment benefits they can, to seek out donors to fund the projects that the state cannot, to provide reliable enterprise software, and even to choose the best color to paint the dormitory walls. Yet, as much as we rely on them, and despite how well they do their job in support of the university’s core function, they are just as removed as Doc. Having served a couple times on university strategic planning committees in my 22 years on campus, I know how unwieldy the process can become. But strategic planning is first and foremost about providing for the university’s core function: we should have more faculty participation, not less.”

Provost Strong stated that in no way is the administration disparaging or not recognizing the tremendous importance of the faculty. However, no other stakeholders have a formal body to recommend policy to the president. Nonetheless, the president is willing to compromise on this issue, but doesn’t want future presidents to be locked in. Many and most universities do not have formal resolutions from the faculty. Formal resolutions should be about what is in the domain of the faculty. The president sees Strategic Planning as the domain of the whole university. He will lay out a process that includes consultation and allow the faculty to recommend as a resolution as they have in the past.

Thompson summarized points in the current Strategic Plan and asked what proportion were not primarily about faculty responsibility. If those sub-points don’t call for shared governance, he is not sure what would.

Strahm called the question and Petrosky seconded. 34 yes, 6 no, 2 abstained.

Main motion passed 34 yes, 5 no.

b. 9/AS/16/SEC Time, Place and Manner of Free Expression

Sims had one comment following the last discussion. On item VI, seventh bullet point was discussed in SEC. Though there was some division of opinion, the consensus emerged that prohibition of camping or lodging on campus is necessary in some form as this public land is not open to lodging in general. Under VI b and c, it allows for events that involve overnight camping with prior arrangement. Spontaneous camping, particularly in relation to a protest action, would be an act of civil disobedience.

Shimek said that in VI, addition was made to the last bullet to include “lawful” to modify directives as well as duties.

Petrosky objected. If you’re concerned about homesteading, make a policy on that. Asking, “sir, may I protest tonight?” is not free speech. Free speech limited to campus hours is not free speech.

Strahm noted that the Supreme Court has limited free speech; it is not an absolute right. There are certain conditions, for instance that you can’t yell “fire!” in a crowded theater. If we don’t have some level of protocol, then if someone decides to camp out on our property and is kicked off, that could open the university to liability. If someone does camp, the university could be liable for possible injury as a result. She expressed perplexity about this, as there are conditions that we as a society have accepted on free speech. The policy is to make sure there is some awareness going on to make sure the university isn’t open for lawsuits.

Petrosky said he had no problem with reasonable conditions on free speech; he is objecting to this one because it does not belong in a policy about free speech.

Wellman concurred that camping is not a form of free speech. What is more concerning is the statement “sleeping or making preparations for sleep.” Are we outlawing sleeping or napping on the campus? A student who takes a nap under a tree would be violating this policy?

Thompson said he believed the answer would be no.

Regalado asked who makes that decision and how do they oversee this policy.

Shimek replied it was listed under Authority and section V. As he has indicated in meetings with FAC and SEC, there are grey areas, but when an issue would come to his attention, he would go to FAC to consult before taking any action. Thompson attested that Shimek has done so this year.

Regalado said that free speech could relate to contentious issues. Clarity is important here when, for instance, claims are made that a group is louder than another and therefore interfering in free speech. He sympathized with those charged with administering the policy.

Shimek said that this is not an arbitrary process and he will consult with the FAC.

Petrosky asked if that process could be added into the policy. Thompson said it would be difficult to do that today.

McCulley said that the staff were still working on this policy and trying to come to an agreement. They feel it is very limiting to their constitutional freedoms and constrains them in union and political activities. They are currently negotiating over these items. If there are changes to the policy as a result, what happens?

Petrosky moved to table the policy, seconded by Nagel.

Sarraillé said that from an aesthetic sense, he doesn't like the idea of having a policy on freedom of expression. It's ironic that in spite of the 5 pages of policy, we are still talking about the amorphous interpretive process parallel to the policy because words can't convey adequately what the policy will do. He spoke against the motion to table because, realistically, the administration has the power to do this, so it is for the best, given the negotiation that's been done to remove the worst bits, to get this over with and move on to something that will be worth our time.

Regalado said there were things to consider. Petrosky's comment and his own suggest holes in the policy. What about people at athletic events yelling at officials?

Provost Strong spoke against the motion to table since a lot of work had gone into the policy.

Motion to table failed, 15 to 26.

Cooper noted point V on how a decision would be made whether something was protected speech. But the way this is described in the policy is very cumbersome and not responsive to something happening in the moment: if a student group or stranger is causing a problem, how is this procedure going to deal with them in the moment?

Shimek said that he can assure that the university response has been timely. There is a network that permits an immediate way to communicate this information to the people that deal with this.

Sims added that we've been discussing the policy defensively, rightly so. But he has also been reading it as an affirmative statement of students' and faculty's rights, especially in the context of universities limiting those rights. This puts boundaries on what the institution can do and establishes a clear space to speak. This actually provides a pretty clear space for a lot of action.

Result of the vote: 30 yes and 11 no. Resolution passes. VP Shimek thanked the Senate.

8. Information/Discussion Items:

a. Drug-Free Campus and Workplace Policy

Strahm said this may have been answered before, but we are going to have changes in law in CA, particularly regarding marijuana. How will provisions of the policy be applied, e.g., drug-free awareness policies, if there is a difference between the state of California and federal law?

Shimek repeated his response from the last Senate meeting. It's clear: as recipient of federal funds, the campus is bound by federal law. In anticipation that California may pass a marijuana

law, there will be interfaces between that law and federal requirements. It's too early to anticipate what those will be. At present, federal law governs.

Strahm replied that it seemed problematic to put a policy in place that prohibits and provides for disciplinary action for behavior (quoted from the policy) if, at the state level, what they are doing is not illegal.

Shimek said that one thing we have going for us is that, with this as an information item, we have the summer to consider it. It may not be until after the November vote that this policy would come to a vote.

Eudey noted that as we hear more about the rise in opiate use, she is concerned what happens when employees or students present themselves to the university as having an abuse/addiction issue, when many cases may have started with prescription use that led to dependency. She still has no clarity to whom certain kinds of things get reported. That may affect employment or student aid eligibility. As a mandated reporter, she doesn't know if she's supposed to report a student or colleague's disclosure of dependency as a violation.

Hoover commented on the possibility of having to change the policy if CA law is changed. In his view, the federal law will still matter, because no matter what the policy says, unless we give up federal funding, we have to follow federal law.

Guichard said that the policy refers to possession and sale. If the law does change we may have students and faculty who grow marijuana and sell to a distribution center. Does this policy cover that?

Cooper said the policy includes not just possession, sale, distribution, but also use. There will be an intersection with Title IX: if someone presents to a mandated reporter in context of drug use, that person may need to report the use of drugs. Would this require the victim to be subject to punishment? Under drug programs and assistance, under VII.3, the policy states that students in violation may be required to attend a rehab program. Drug programs are difficult to get into because they are full or expensive. Will the university suspend a student indefinitely pending rehab that they may not get into for three years?

Strahm brought up something that concerned her about a different issue. At Oregon, the university used the information provided in counseling of a student who sued the university over bungling the investigation of her case of abuse. Strahm has in the past promised confidential assistance to a student she brought to the Psychological Counseling Services. If a student does admit to a drug dependency issue to a mandated reporter, does that require the report? Will that lead to a situation with no one addressing problems?

Sims stated that the policy is misnamed, because it is not technically a drug free policy.

Shimek said that the term drug-free has been delivered to us by some authoritative people. The title of the policy conforms to the federal law's reference to "drug-free workplace."

Espinoza said that this policy is required by federal policy in order to maintain Title IV eligibility for financial aid.

Thompson clarified that as long as the policy follows federal guidelines it can be modified at a local level.

Shimek agreed that provisions can be added that are consistent with the law to make it workable for the campus.

b. The Sale Consumption and Possession of Alcoholic Beverages

Petrosky foresaw problems unless we take some action. He has lots of students that do business and internships with alcohol businesses. Without an exemption for legitimate educational purposes, this will not fly.

Sarraillé stated as a third generation French-American that this is an uncivilized policy.

Strahm said she was bothered by the fact that, if students are 21, if they choose to walk into a room off campus and a faculty member is there, and the student chooses to imbibe, it does not seem reasonable to put these constraints on this.

Regalado reiterated that we are adults at this university and should have policies that reflect this.

Wood asked if there was a reason why it was okay if we go through the vendor, but not okay if we don't. What's the rationale for that?

Peterson said she was not opposed to moderate consumption but recalled that there were a lot of instances of illness and accidents associated with alcohol abuse at Warrior Day events. Although many of our students are over 21, but many are not. Many are young and could make mistakes that could be fatal, so a policy that would guide to avoid alcohol abuse is a good idea.

Petrosky said that laws based on exceptions are usually bad laws.

Hoover suggested a policy against drunkenness would be more appropriate.

Wood asked, if the policy takes effect, does that mean the faculty Beer-B-Q will be alcohol free unless we go through the appropriate vendor?

Davis speculated that beer will likely not be mentioned in the title of the event.

Wellman noted that an off campus event is not defined, and yet it does say that such events need to be approved by the president or designee.

Regalado asked if Roy could comment about any past issues at the Beer-B-Q.

Officer Roy said that the problems are not with faculty or the Beer-B-Q. Where they have had issues is when it is a third party who rent space and who are not stakeholders in the university. Wine and cheese events and the faculty Beer-B-Q had not had any problems.

Cooper noted that section VI on alcohol restrictions explicitly forbids employees from imbibing on campus whatsoever, but part b permits students to do it in their dorm rooms.

Hoover said that the third party rental problem could be more directly addressed in the rental contracts. The issue that needs to be addressed is public drunkenness. Instead of addressing that, the policy is broad.

Protection of Minors

Sims noted that this policy needs greater clarity in regard to when departments host events where minors come to campus. For instance, if school groups come to campus, sometimes it is university employees and sometimes the teachers are supervisors. The policy needs more specificity about what qualifies as hosting minors and when to seek approval for that.

c. Consensual Relationships & Power Disparity Policy

Regalado thinks that for all the good intentions of the advocates of this policy, he hopes that FAC will be able to fine tune this policy, because he would hate to see innocent parties hurt or careers hurt by the policy. It is dictated by societal conventions. Adults should be able to be adults. “Extracurricular authority” is a bomb waiting to go off. He would hate to be the one receiving complaints that would lead to terrible situations with innocent persons being hurt. 98% of such relationships are innocent (not referring specifically to sexual relations).

Strahm commented on the third paragraph. Is there already a policy in place that covers pre-existing relationships? Sims replied that our current policy does.

Eudey noted that the first sentence speaks solely about faculty and students and should be written in a more general fashion.

Sarraillé said the phrase “extracurricular authorities” is ambiguous. In addition, “otherwise significant academic” these are “waffle words” which is troubling. How should this be interpreted in every case? He asked if anyone knows about or has someone reflected on case studies or training sessions that could be looked at as thought experiments to provide guidance for interpreting the wording, possibly even incorporating this into the policy to provide guidance?

Sims said that sentence on “extracurricular” has been taken directly from EO 1096. That is policy and we live under it now. We are translating that to local policy. We can try to follow up to get clarity on what those terms mean. We are working within boundaries and we can’t say anything contrary to EO 1096. Another issue that was brought up was that we are all adults, and even this version of the policy tip toes around telling you what two adults can do. It does say an employee entering into a relationship with someone under their authority is violating the policy. It does not say what follows. Even the very extensive EO 1096 pivots around this. If it is done, there are assurances for protecting people, not disciplinary actions.

Regalado added that his comment was based on the way the CSU is driven by liability aversion. It could be damaging also if the university brought up an issue that shouldn’t have been brought up, that could also lead to a lawsuit.

9. Open Forum

Provost Strong referred to a statement made in the minutes: "We've been waiting for a statement from the president on shared governance." Has the senate requested information on shared governance from administration? As stated in the minutes it sounds like the administration has been remiss.

Thompson said that the sentence referred to a sense of the senate resolution, which he believes asked for a response. This has been an ongoing issue, including whether the response should come from the president.

Provost asked to have the record checked, and if the administration were supposed to provide more information then they are happy to do it.

Stone read the following statement:

I would like to promote awareness of a time sensitive issue for our student athletes. Starting this Spring (2016) new NCAA rules are in effect. Now, athletes must pass 9 units that are applicable to their degree this Spring in order to be eligible to participate next Fall. "Applicable to degree" includes GE courses that they still need and courses towards their major. They can take up to 6 units a year towards a minor. They must be enrolled in 12 units every semester in order to remain eligible and they must pass 24 units a year. This new rule will put additional pressure on our athletes who are already scheduling courses around their team practices. Also, when they are in season, the athletes have another constraint because they try to schedule around their travel schedules (e.g. taking Monday lab classes rather than Thursday). All other colleges in our conference and all other CSU campuses have priority registration to support their student-athletes. As a compromise, it would greatly help our student athletes if they were afforded "Early registration: seniors before seniors, juniors before juniors, etc."

In my opinion, participation in Division II Athletics is not "extracurricular", it is "co-curricular". Just as student government participation builds leadership skills and being an actor in a campus production prepares students for a career in theater, athletes learn valuable skills that they will use to become successful professionals. Athletes must be on time, with necessary equipment and ready to perform as a member of a team. These are essential skills for the successful employee. In my own experience, my research student completed a Chemistry degree and played baseball. He is now a baseball coach and Chemistry teacher at Turlock High School. It was tricky to get him through all of the lab courses, and that was when the Chemistry Department was smaller and we were less impacted (there were 6 students in the junior level Physical Chemistry class, now we have 24-30 who need it and the course is capped at 24). He was also not constrained by these new NCAA rules; so he stretched out his degree by one year and took some extra GE classes. He would not have been eligible to play under these new NCAA rules. Our coaches do an excellent job of recruiting student athletes, and they support success

in the classroom. Our University needs to honor its commitment to student athletes and ensure that they get the courses they need to be successful on the field and in the classroom.

Regalado said he would like to hear the voices of other students who work and have family obligations that they also have to work their schedules around. Their schedules may not involve athletics but are just as inflexible. Those students may have to spend more tuition money to take courses that they couldn't get.

Matoso said that Athletics has been very supportive of the initiative taken by ASI. Stone hit on it: the requirement for degree-applicable units is what our students face that no other students have to face. ASI's petition, with over 1500 student signatures, shows that non-athletes are supportive of early registration. Bernardo said at SEC that it would not have an impact on non-student-athletes.

Larson said that if others wanted to petition for their groups' early registration, ASI would advocate for them equally. This is one group that the students find need this accommodation or procedure.

Nagel responded to the statement that Lisa Bernardo said that it wouldn't have an impact on non-student-athletes. His memory was that she was referring to there being no problem for enrollment to implement the early registration for student-athletes, not what impact early registration would have.

Strickland said student athletes also have the same challenges regular students have. None of them are on full scholarship. Many have extended families and work and some are foster children. Sometimes their particular talent or gift they are trying to enhance is supporting them. They have the same challenges as the rest of the student body but they are governed by a different rule. We are grateful for the attempt to help student-athletes via two-pass registration, but it's not solving the problem.

Espinoza noted that there are 300 student athletes and early registration would not have a negative impact on other students. There are at least three other groups who have priority registration, foster care youth, veterans, and the disabled.

Sarraillé said that we should study these issues and the idea that it's unique that athletes need to get units towards their degrees. It's important that all students can register for classes and progress toward their degrees.

Thompson noted that the comments were captured for conversations to continue next year. Thompson thanked all for making this the best Senate meeting he has ever attended.

10. Adjournment

4:07pm