THE MINUTES OF THE ACADEMIC SENATE
CALIFORNIA STATE UNIVERSITY, FRESNO
5200 N. Barton Ave ML 34
Fresno, California 93740-8014
Office of the Academic Senate FAX: 278-5745
TEL: 278-2743 (AS-11)

April 23, 2018

Members excused: A. Alexandrou, Q. Chen, T. Lone, N. Nisbett, R. Raya-Fernandez, T. Van Camp

Members absent: P. Adams, N. Akhavan, B. DerMugrdechian, M. Golden, D. Lewis, M. Raheem, M. Richaud, B. Singh, E. Waldman, J. Wenger

The Academic Senate was called to order by Chair Holyoke at 4:04pm in HML 2206.

1.) Approval of the agenda

MSC approving the agenda

2.) Approval of the Minutes of April 16, 2018

MSC approving the Minutes of April 16, 2018

3.) Communications and announcements

a. Provost Zelezny

The Provost announced that the administration is continuing consultation with Senate leadership regarding the recent controversy surrounding a faculty member's personal social media posts. The university is currently conducting a review of the situation that is expected to conclude shortly. President Castro is encouraging all faculty to attend an open forum tomorrow.

b. Vice Provost Nef

The Vice Provost introduced Professor Martin Shapiro to discuss High Impact Practices on campus, including service learning and study abroad programs that are being considered by the High Impact Practices Task Force. A recent survey has found that students not only enjoy these opportunities, but that they also improve student outcomes. Definitions of High Impact Practices have been developed and will soon be used to identify these courses on student transcripts.

Senator Kensinger (Women's Studies) asked whether faculty were also consulted as part of the survey. The Vice Provost stated that the survey focused on students in this case, but a wide body of academic literature was consulted as part of the process. Senator Kensinger asked whether existing Service Learning Courses would be used as the model for these changes and encouraged caution in applying those standards between disciplines. Vice Provost Nef stated that a draft of the proposed policy could be brought to the Senate for consultation in the near future.

c. Bryan Barrett

Dr. Barrett Delivered a report on learning management systems including Blackboard. A report has been produced by the relevant task force suggesting that the campus take a year-long transition away from its current Blackboard deployment. Beginning in Winter Intercession 2018, early adopters for the new system among faculty will be identified and contacted. The campus may transition to either Canvas or Blackboard Ultra at that time. The entire system will transition in 2019.

Senator Ram (University-wide) asked how easy it will be to migrate existing courses to the new system. Dr. Barrett stated that migration to Canvas appears to work well and that faculty would not be expected to remake entire courses. The Provost will make the final decision on which system is adopted.

d. Chair Holyoke

Reiterated the announcement concerning the 10 a.m. faculty forum taking place tomorrow in the Henry Madden Library.

Chair Holyoke also announced that a seat would soon be opening up on the Senate Executive Committee.

4.) Consent Calendar.

A. Bachelors of Science in Forensic Behavioral Sciences Degree Program Elevation.

There was no objection raised to the item and it was considered approved.

5.) New business

Senator Schettler introduced a resolution concerning faculty free speech and asked that it be made the first item on the agenda. The item was approved and became the new Item 6 on the agenda.

6.) Resolution On Faculty Free Speech and Official University Responses

This item was introduced from New Business. Senator Schetter (Africana Studies) asked senators to read the item aloud in succession. The item read:

“WHEREAS, in its landmark free speech decision New York Times v Sullivan, the United States Supreme Court stated "we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials”; and

WHEREAS, There is a long history of disturbing political and intellectual suppression in academia, which in the U.S. includes the pink scares and rejection of anti-racist scholarship of the 1920s and 30s, the McCarthyism and anti-Communism of the 1950s-80s, and at present,

increased public attacks on and threats towards scholars whose views may be deemed controversial; and

WHEREAS, There is also a long and powerful history of student and scholarly resistance to restrictions on political and social freedoms in and out of higher education, including a rich body of public scholarship meant to critically engage citizens on issues that have serious consequences for everyday life, the Teach-In and Civil Rights Movements of the 1960s-70s, and even Fresno State's well established emphasis on civic engagement; and

WHEREAS, the principle of protecting free speech must mean the protection of speech that one disagrees with and even speech that might be seen as disrespectful; and

WHEREAS, University Administration, including the President and Provost, have a right to their opinions they do not wholly constitute the collective views of we, the faculty of the California State University, Fresno or the collective, collaborative mission and core values of the university; and

WHEREAS, This is an institution based on shared governance and if there is any voice of the university it is expressed through the Faculty Senate. It is especially vital to recall this when the issue is the free speech rights and the academic freedom of a faculty member; and

WHEREAS, Announcing to the public that an investigation will be launched undermines and further erodes support for the free speech of University faculty, community members, and the general public, and may suggest a willingness to subject future controversial speech to investigation. Additionally, this signals that the University is willing to bend to the public demands of the few if presented with a loud enough voice and

WHEREAS, The Academic Policy Manual Section 103 Statement on Academic Freedom states "Tenure constitutes the strongest procedural safeguard of academic freedom and individual responsibility, and as such, is essential for the maintenance of intellectual liberty and high standards in teaching and scholarship"; and

WHEREAS, We support all citizens' rights, especially our own colleagues' rights, to freedom of expression, without subjective requirements of civility or appropriateness; and

WHEREAS, In a free nation and, especially, on a public university campus, we must dedicate ourselves to the basic principle of open inquiry and debate even, or especially when, views and their expression may make us feel uncomfortable and force us to re-evaluate our values. Otherwise we risk rank authoritarianism and a blind adherence to the unchecked ambitions of leaders and so-called leaders; therefore, be it

RESOLVED, that the Academic Senate of California State University, Fresno, recommend that California State University, Fresno adhere to a model of support for free expression established by the University of Chicago and endorsed unanimously by the California State Legislature in 2017 which acknowledges that it is not the proper role of the University to attempt to shield individuals, including those outside the University, from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive; and be it further

RESOLVED, that California State University, Fresno's values of civility and mutual respect should never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community; or for launching investigations into the employment of a faculty member when there are no clear grounds in law or policy for an investigation; and be it further

RESOLVED, that it is for the individual members of the California State University, Fresno community, not for California State University, Fresno as an institution, to make value judgments about political and other forms of speech; that the university, given its special role in the community, should seek not to suppress speech, but to provide a forum for open and vigorous contesting of controversial ideas and opinions; and that, indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of University's educational mission; and be it further

RESOLVED, that the Academic Senate of California State University, Fresno opposes official statements to the public that includes language

suggesting wrongdoing on the part of the faculty member when no clear violation of law or policy exists; and be it further

RESOLVED, that the Academic Senate of California State University, Fresno requests that action to restrict expression occur only within certain parameters, such as when speech violates the law, falsely defames a specific individual, constitutes a genuine threat or harassment, unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University; and be it further

RESOLVED, that the Academic Senate of California State University, Fresno firmly re-asserts its support of faculty free speech rights both on and off campus and most especially faculty academic freedom when speaking as professionals.

RESOLVED that this resolution be distributed to:

Joseph Castro, President, California State University, Fresno
Lynnette Zelezny, Provost, California State University, Fresno
Rudy Sanchez, Interim Associate Vice President of Faculty Affairs, California State University, Fresno
Jennifer Eagan, California Faculty Association (CFA), Statewide President
Diane Blair, CFA Fresno Chapter President
Saul Jimenez-Sandoval, Dean, College of Arts and Humanities, California State University, Fresno
Michelle DenBeste, Dean, College of Social Sciences, California State University, Fresno
Robert Harper, Dean and Interim Provost, Craig School of Business, California State University, Fresno
Paul Beare, Dean, Kremen School of Education and Human Development, California State University, Fresno
Ramakrishna Nunna, Dean, Lyles College of Engineering, California State University, Fresno
Jody Hironaka-Juteau, Dean, College of Health and Human Services, California State University, Fresno
Christopher Meyer, Dean, College of Science and Math
Sandra Witte, Dean, Jordan College of Agricultural Sciences and Technology
Delritta Hornbuckle, Dean, Henry Madden Library"

Senator Bryant (University-wide) and Senator Cady (History) made a several friendly amendments to change "investigation" to "review" and fix small grammatical points.

Senator Karr (Music) argued that a review process of some kind must exist at a public university and encouraged Senators to keep "review" as "investigation" in the text of the resolution. Senator Schettler (Africana Studies) argued that review processes are by nature confidential and that they should not be announced to the public. Senator Karr (Music) agreed with the sentiment but argued that the community should be allowed to know that a review is in fact taking place. Senator Schettler (Africana Studies) suggested adding "personnel" before "review" to clarify the intent. Senator Kensinger (Women's Studies) objected to the amendment. There was no second to the motion to add "personnel", and therefore the amendment failed.

Senator Gillewicz (English) raised a question about the second to last "Whereas" and stated that the language was too ambiguous, particularly in regard to "falsely defames". Senator Henson (English) moved that the entire "Whereas" be struck. The item was struck (3 abstentions).

Senator Kensinger (Women's Studies) spoke in favor of the motion and argued that it was important to assert faculty free speech and academic freedom rights.

Senator Sanmartín suggested changing "investigation" to "review" in the second "Resolved". Senator Schettler (Africana Studies) argued that this was not a necessary change.

Senator McKeith (Animal Science) stated that some of the recent statements made by the faculty member in question were not collegial, and therefore damage control had to be done by the university under the circumstances. The Senator additionally argued that the administration's recent statements had been appropriate under the circumstances and argued against the motion.

Senator Schettler (Africana Studies) moved to strike language from the motion related to launching investigations of faculty members. Motion carried (9 abstentions).

Senator Gillewicz (English) asked about the inclusion of language related to the Academic Senate being viewed as the only voice of the university. Senator Schettler moved to chance "voice of the university" to "collective voice". Senator Chowdhury (Art & Design) argued that the president or provost are in fact viewed as the voice of the university in practicality. Senator Schettler (Africana Studies) argued that the intent of the motion was to rectify that situation and give faculty a stronger collective voice.

Senator Gillewicz (English) asked about the use of the term "shared governance" and what the intent of the resolution is in that sense. Senator Henson (English) proposed a rewriting of the Whereas regarding shared governance. The amendment passed with 2 abstentions.

Senator Cady (History) asked about the intent of the phrase "loud enough voice" in the following Whereas. Senator Schettler (Africana Studies) stated that the intent was to address recent public backlash against the university as a whole.

Senator Guerra (Nursing) asked why the Whereas concerning "false defamation" had been removed. Senator Gillewicz (English) stated that the intent was to remove ambiguity about whether statements are true or false, or who would make that determination. Senator Kensinger (Women's Studies) added that the Senate does not have the legal authority to make those types of parameter judgments. Senator Ram (University-wide) argued that some ambiguity might be desirable to leave the intent and scope of the resolution broad. Senator Bryant (University-wide) stated that the legal scope of the resolution was clarified in the previous Whereas.

Senator Dangi (Geography and City and Regional Planning) asked whether the intent of the resolution could be clarified before the next meeting. Senator Kensinger (Women's Studies) reminded the Senate that the document belongs to the Senate and can be amended as the body sees fit.

This was considered to be a first-read item and will return to the Senate's agenda next week.

7.) New Academic Senate Bylaws. Second Reading.

This was a second read item from the previous week's agenda. The item passed unanimously.

8.) M/I Graduate Requirement Response to E.O. 1100. Second Reading

Senator Kensinger (Women's Studies) offered a point of information asking whether this document is being treated as interim policy. Chair Holyoke answered in the affirmative.

Senator Sullivan (Sociology) asked whether forcing students to take courses outside their department would put the campus in violation of EO 1100. Chair Holyoke stated that it would probably not be a violation, but the full situation is not entirely clear. Senator Sullivan (Sociology) moved to remove items 1 and 2 from page 2 of the report. The motion was seconded.

Senator Karr (Music) stated that double-counting M/I would help his department by allowing overall unit counts to be reduced. Senator Thatcher (Public Health) similarly stated that his department is in a situation in which it must double count courses to keep unit counts manageable, and that this policy would help with that.

Senator Ram (University-wide) reminded senators that all upper-division GE would begin to double count in the coming year regardless so there may be a reduction coming to overall unit counts regardless of what decision is made on M/I.

The Academic Senate adjourned at 5:15pm. The next meeting of the Academic Senate will be on Monday, April 30, 2018.

Submitted by
Bradley Hart
Vice Chair
Academic Senate

Approved by
Thomas Holyoke
Chair
Academic Senate