

## **Academic Senate Minutes**

April 1, 2004

3:00 – 5:00 Cooperage One

### **Abstract**

Agenda approved. Minutes delayed. Potential Emeritus Faculty from '02-03 – approved. S. Jones provided follow up information to the Budget Summit. Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration failed. Grants and Contracts Policy approved. Changes in the Chemistry Major approved. Lobbying and Use of Appropriated Federal Funds policy – First Reading. Policy on Copyright Ownership – First Reading.

**Present:** Catherine Nelson, Melanie Dreisbach, Noel Byrne, Robert Coleman-Senghor, Susan McKillop, Rick Luttmann, Victor Garlin, Steve Wilson, Elizabeth Burch, Eric McGuckin, Robert Train, Steve Cuellar, Bob Vieth, John Kornfeld, Edith Mendez, Richard Whitkus, Sam Brannen, Steve Winter, Charlene Tung, Myrna Goodman, Peter Phillips, Jan Beaulyn, Sandra Shand, Scott Miller, Ruben Armiñana, Eduardo Ochoa, Larry Furukawa-Schlereth, Jason Spencer, Ephriam Freed, Amy Wingfield, Elaine McDonald, Elizabeth Stanny, Brigitte Lahme

**Absent:** Phil McGough, Birch Moonwomon, Marilyn Dudley-Flores, Elizabeth Martinez, Liz Thach, Raye Lynn Thomas, Derek Girman, Robert McNamara, Greg Tichava,

**Proxies:** Debora Hammond for Heidi LaMoreaux, and Art Warmoth for Bob Karlsrud

**Guests:** Stuart Jones, Saeid Rahimi, Judith Hunt, Jennifer Wong, Cynthia Tasker, Eileen Warren, Bard Mumaw, Mark Kearley, Carlos Benito, P. Martin (?)

C. Nelson was attending a Chair's meeting in San Francisco. M. Dreisbach chaired the meeting initially until C. Nelson arrived.

### **Consent items:**

**Approval of the Agenda – Approved.**

**Minutes** – delayed

**Potential Emeritus Faculty from '02-03 – Approved.**

It was announced that Susan McKillop has been selected to receive the Wong Excellence in Teaching Award from the CSU. (applause)

**M. Dreisbach introduced Stuart Jones who was present to follow up on some information for the Senate.**

S. Jones said he wanted to talk about the comment the President made at the Budget Summit about a campaign to raise monies to preserve the academic quality at Sonoma State. The Development office has been working on such a campaign for the last couple of weeks. They anticipate raising funds to preserve academic quality and have a number of targeted areas they want to approach. First, they will go to our own Academic Foundation. We think they will be able to provide us with critical seed money for the campaign and support for the campaign. One of the audiences that have a vested interest in having student have the kind of experience they initially enrolled for are the parents of existing students. They anticipate sending letters to each of them and also meeting some face to face. We also have about 30,000 addressable alumni, meaning we have current name, address, etc on them. We will be making an appeal to all of them in the coming weeks and months. We also anticipate going to the corporate community in Sonoma County and beyond. We think they have a vested interest in seeing us continue to grow and in providing academic quality. We anticipate coming back to the faculty and staff, if the body advises it. And finally, the President has instructed him to talk to all individuals, particularly large donors to the university, and invite them if they wouldn't support this cause. They plan to launch the campaign publicly in the next few weeks. He said the amount of money they anticipate raising is hard to determine. The university does not have a long and sustained history of annual fund. We've been very successful in major gift areas, but he thinks it's difficult to predict how much they can raise. Whatever is raised it will not be from lack of effort. As per President directive, we will turn over every stone and raise as much as possible.

### **Questions for S. Jones**

The first speaker stated that this is really good news. It is important that the funds raised go to supporting instruction for faculty to be interested in donating. Speaking as a donor to the Community Solidarity fund be used for what it was intended which is opening new classes. We have student who will not graduate because they couldn't get into a statistics class.

S. Jones said he will not be the one deciding where the money is spent. He will go ask for it and try to get it unrestricted or try to see that it is for instruction, beyond that others will be involved in how those funds are disbursed.

It was asked who will decide where the money will go and if donors will be approach to donate the money specifically to disciplines. She suggested developing a committee that included faculty that would assist in deciding where that money went for instruction.

S. Jones said one of the questions they have not resolved is whether this is a stand along campaign or we're simply asking for one purpose, for instruction or whether we roll this campaign into our annual fund where the donor has a menu of choices such as scholarships, faculty development, instruction, etc. He will look for the Senate's feedback on that.

E. Ochoa said the idea was to characterize this drive as fund for academic quality or possibly academic excellence. This would be a way for donors to support the core

mission of the university and try to leave it as unspecific as possible in terms of support academic functions. How we would allocated it at this point is to hold down the class size from ballooning out of control where quality of instruction deteriorates beyond redemption. If the fund becomes a permanent part of the landscape and as we recover, it could become a fund for excellence that we could perhaps target in other ways. The idea is to maintain flexibility and to have it support the core academic mission of the university. He anticipates it rolling into the normal decision making process of the VPBAC.

A student senator said the what makes for quality education for him is access to teachers and that means low class sizes, etc. He hoped that is the focus of the campaign and that students are involved in the process as well as faculty. He said it seems that the focus right now is not on keeping faculty and he hopes that becomes the campaign's focus and he thinks he is speaking for a lot of students on this point.

It was noted that the Development website does not indicate opportunities to give for instruction at this time. It was suggested that the website be updated as soon as possible. It was also suggested that the Green Music Center donors be asked for money again.

S. Jones said it will go on the website when it is more defined. The web is good for information, but a lousy way to raise money, except in politics. Actively engaging the corporate community, the alumni, the parents, the faculty and staff of the university and truly impressing the important need and the crisis that we are in is what we need to do. We are not going only to the Green Music Center donors, but also the 30,000 alumni and previous donors to the university to convey to them the importance of this campaign.

**P. Phillips moved that item one on the agenda be taken off the table and brought before the body. Second. Vote = 21, No = 1, Approved.**

**Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration – P. Phillips**

M. Dreisbach reviewed where the item was left when tabled in terms of amendments.

The amendment was to replace April 30, 2004 with November 1, 2004 and in the last resolve to replace Spring semester with Fall semester.

Discussion of amendment:

It was argued that May was a better and more useful time for the incoming Chair for the next academic year.

The presenter of the resolution noted that issues were raised previously regarding the instrument that would be used for the assessments. He and N. Byrne drafted one for the Senate to have an example.

**Vote on closing debate – *approved*.**

**Vote on amendment to replace April 30, 2004 with November 1, 2004 and in the last resolve to replace Spring semester with Fall semester. *Failed*.**

Returned to the first amendment to the resolution which was to strike April 30, 2004 and remove the last resolved clause.

**Vote on closing debate – *approved*.**

**Vote on amendment to the resolution which was to strike April 30, 2004 and remove the last resolved clause. *Failed*.**

Back to main motion (original resolution).

Discussion Points:

- It seems the intent of the resolution is to express an opinion about this administration now and it's not truly intended to start doing something every three years and assess the Senate. If that is what the intent is the speaker preferred that be said and not pretend that we're interested in assessing every three years and assessing the Senate. If he was wrong about the intent of the resolution, he wanted to know.
- One Senator said he was very much in favor of assessment of the Academic Senate. He has heard some faculty express the view that the Senate doesn't do anything. If this sort of view swells, then it needs to be brought to the attention of the Senate.
- The author of the resolution said the idea for assessment of confidence came forward from the Social Sciences retreat with 30 or 40 faculty members there that rated it as one of the top five areas we wanted to work on. It was talked about in CFA. R. Coleman-Senghor suggested adding assessment of the Academic Senate. It seems to make sense to do it now. We're in turmoil now. Overall, doing it on a regular basis would build up a longitudinal awareness. We are all state employees. There should be open consideration of the administration and this body in terms of how the faculty perceives us in terms of doing our job.
- It was noted that in the early 1970's the Senate was a vital part of the everyday lives of faculty and the institution. He argued that over the years the Senate has become more detached from the everyday lives of faculty members. In some Schools it is difficult to recruit people to be Senators. The Senate has lost some of its stature. This speaks to the need for the Senate to have a periodic review which the Senate can use to evaluate the efficiency and effectiveness of its own activity. The speaker considered the reviews of the President to be a public relations gesture by the Chancellor's office. Faculty reviews have not been reflected in the final reports. The final reports

are not public reports in their entirety. He thought that the campus community deserves better and the President deserves better and deserves more. He thought that an administration that is proud of the work that it does would support a periodic evaluation by the constituencies most affected by its administration. He urged the adoption of the resolution.

- One Senator said he supported the principles of the resolution, but not the details. He said he would want three things in the details before he could support it. There are no consequences for a lack of confidence. The resolve clauses give the Chair authority about how the process will be done and also constrain the Chair in what she can do. It should be left up to the Chair. Resolves one and two are too blatant and go against the principles. He suggested that the Senate do a survey of shared governance at SSU in two parts – one for the Senate and one for the administration.
- It was argued that there is nothing wrong with charging an ad hoc committee to come up with an assessment approach for the Senate and administration around the concerns of shared governance because that is the heart of the matter. It is imperative to move deliberately. Much of this is based on anecdotes, and feelings. That has been some of the criticism from faculty – that the Senate emotes and rather than deal with substantive issues. He said he had gone online and found five campuses that do exactly these kinds of administrative audits, so that is nothing new. But what is important is the way we go about it.

Time Certain reached.

### **Grants and Contracts Policy – E. Stanny – Second Reading**

E. Stanny introduced the item.

**The question was called. Second. *Approved.***

**Vote on approval of the Grants and Contracts Policy – *Approved* with voice vote.**

### **Return to discussion of Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration**

- It was argued that the word “confidence” is a highly loaded word in the context of assessment. It was asked if this was something created because we lack a normal procedure for calling for a vote of no confidence. Concerns about how the data will be used were voiced. Uncertainty about the motives of the resolution were voiced.
- It was noted in connection with the remarks made about the history of the Senate that one of the main things that has changed since the 1970’s is that in 1983 the first faculty collective bargaining agreement came into being.

- Clarification was requested on whether the instrument would be ready on time and what the time table looks like.
- The author responded that he didn't think it would take long to create and approve the instrument. The one that they drafted was based on a similar Library survey. He had no expectation that everybody would vote no confidence in the administration. He thought it would be spread out and evaluative and if there are big areas of concern then that's where you take corrective action. That's what the Senate can do, if there are areas of concern we can take corrective action. We work on public relations or transparencies. It's a evaluative process that we give the faculty an opportunity to say how they feel about things. The consequences are that then you can take positive corrective action to improve relationships.
- An administrator said he did not have a problem being evaluated, but wanted to be evaluated on what he was hired to do and did not think the faculty had an inkling of his duties.
- It was noted that the resolution was trying to do two things – get a snapshot picture of what the faculty are feeling now both in terms of the administration and the Senate. The other is to institute some kind of formal evaluation process which he thought needed to be more methodologically more substantive and well developed. He wasn't sure how to disentangle those two things. The parliamentary history of the idea of no confidence, that particular language has a certain amount of surplus meaning which may be somewhat inflammatory in this situation. It was noted that it would be useful to get demographic data on the population responding to the survey.
- One supporter of the resolution argued that it is not an evaluation of performance, nor an assessment of the shared governance processes on the campus. He regarded it to be a leadership issue. Leadership is independent of performance. It really has to do with the degree to which the leader is either expressing the unarticulated views of the lead or is promoting the views of lead however unvoiced. Confidence is at the heart of it all. A person can be very, very effective in goal attainment, but not be a good leader. The Senate exercises leadership, how effective is that leadership. He believed it needs to be assessed as well as the administration.

Time certain reached.

### **Changes in the Chemistry Major – E. McDonald**

E. McDonald passed out an updated version of the cover letter from the Chemistry department. She said they want to add two units of a senior research seminar to their B.S. degree in response to suggestions from their accrediting body that strongly encourages undergraduate research in the major. Comparisons with other B.S. degrees at SSU and other CSU in terms of unit load were noted. The total number

of units for the major would increase from 120 to 122. It passed unanimously through EPC.

A guest faculty from the Chemistry department noted that the department of Chemistry has always had a research component and nobody seems to know when it was lost.

It was noted that programs over 120 units are required to write a justification. That justification should be included with the document when it is sent forward.

**E. McDonald moved to waive the first reading. Second. Vote on waiving first reading – *approved*.**

**The question was called. Second. *Approved*.**

**Vote on Changes in the Chemistry Major – *Approved*.**

### **Return to Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration**

M. Dreisbach handed the gavel to the Chair who joined the meeting at this point.

- The chair-elect noted that she had received only condolences on her election as chair. She is very interested in improving the relationship between the administration and faculty. She shares the concerns about faculty governance. We are all here together as members of this community. She voiced reservations about the resolution at this time. In the face of the tremendous budget constraints and juggling more workload we are taking on another duty that she didn't was productive. She was in favor of finding out how the faculty could improve their work in governance. She favored improving the relationship with the administration and having more real shared governance. In the discussions what she hears primarily talked about is the President, even though the resolution speaks to the administration and the Senate. She thought it was a disservice to the Senate to be pursuing an instrument like this for confidence in the President. Let's improve our relationship and our level of trust and move forward. She believed that Stuart Jones' presence here today was due to the fact that the President listened to us and the students. She believes that the Provost has listened to us. She thought it unfair to evaluate the Provost in his first year with us. She voiced she was against the resolution at this time. She was willing to take on the assessment issue next year as Chair. We know we have problems and she did not think this was the way to deal with it.
- It was noted that evaluation of a modern university President was not a trivial one since it includes bureaucratic and charismatic qualities. He remembered when the notion that a student would evaluate a professor was deemed impertinent. Students who brought it up were criticized. Now student evaluations are the norm. He hoped that eventually regular evaluation of administrators by the faculty become as institutionalized in the academy as

regular evaluations of faculty by students have become. He would feel better about the comments being made if he heard mutual comments made by the administration to us, that they are interested in good relationships with us. He argued that the first priority for faculty leadership should be mobilizing the faculty to present a coherent voice to the administration. He hoped the issue of evaluating the administration would come back repeatedly to the Senate until it becomes as normal as student evaluations of faculty.

Time certain reached.

### **Lobbying and Use of Appropriated Federal Funds policy – First Reading – E. Stanny**

E. Stanny introduced the item. She said that basically it says that people who receive federal funds cannot use them to lobby. It makes sure the SSU is in compliance with federal code.

First reading concluded.

### **Return to Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration discussion**

- The Provost said that he had a hard time untangling three different things in the resolution. One reminded him of a customer satisfaction survey to get feedback to find out how we can do things better. Other arguments made it clear that this is a vote of confidence on the leadership of President. And other arguments, by implication, sought to characterize this as a performance evaluation. His remarks addressed the last argument. There is a campus policy on periodic review of administrators. Reviews include a 360 degree component where all the people who interact with the administrator are surveyed. However, listening to the arguments now he sees the resolution is fundamentally a vote of confidence on leadership. He also responded to the comments about administration having an interest in a good relations with the faculty. He said he explicitly has a keen interest in having good relations with the faculty. The work of the institution is fundamentally performed by the faculty and is the sine qua non of the success accomplishment of our mission. The different perspectives of the stakeholders in the institution derived their legitimacy from how that perspective is integral of the fulfillment of the mission of the institution.
- One of the student representatives addressed the comment that the assessment in the resolution would have no consequence and neither do any of the resolutions. This speaks to a deeper issue which is democracy and shared governance. For many reasons, he believes the institution should be run as democratically as possible and constantly be looking to be run more democratically. He said it was hard to tell if the resolution supports becoming more democratic. Many aspects of the campus are not dealt with in a democratic way which is frustrating. If the resolution doesn't pass he hopes we find a better way to make things run more democratically on the campus.



- It was reiterated that the word “confidence” has a parliamentary history that we are not well prepared to take on at this moment. However, a conventional social sciences survey of faculty, students and staff are thinking about various aspects of how the administration is operating and how faculty governance is operating.
- The Chair handed the gavel to the Chair-Elect. She wanted to respond to comments about priorities. There are not always right and wrong ways to do things. She said when she was asked to run for Chair and agreed to run was that one of her priorities would be improving relations with the administration. She has found that, sometimes it is painfully slow, but she has found that the Provost, President and Chief Financial Officer do listen. Do they always give her the answer she wants? No, but they do listen, they do take into account what she says and she has had an impact. A lot of that, because she is Chair of the Senate, goes on in private. There are other times when she would be first out on the stage saying she doesn’t like what they are doing. She thinks this resolution is the wrong strategy at the wrong time with all due respect to the honest motivations of colleagues that proposed the resolution. We are at a point where we cannot afford to take what is essentially a vote of no confidence in the administration. The idea of doing some kind of assessment is great and could be folded into our process evaluating our committee structure next year, we should talk about how to do this of the administration and the Academic Senate. She said she was opposed to the resolution.

Time certain reached

### **Policy on Copyright Ownership – First Reading – E. Stanny – attachment**

E. Stanny introduced Cynthia Tasker who could help interpret the policy. This policy basically says that the creator of the work is the owner of it unless it is a work for hire, commissioned work or results in the extraordinary use of university resources. She pointed out two typos in the document.

Discussion Points:

- It was noted that intellectual property rights for CSU faculty are a matter of negotiation between the CFA and the CSU. The speaker asked what the point was of bringing this to the body when it hadn’t been seen yet by CFA.
- Clarification was offered that the policy was going through the normal approval processes of the university. Anytime the campus proposes a new policy that may have an effect on collective bargaining, the central office of CFA has to be notified which is exactly what is intended once the policies pass through the Senate.
- The Chair said it was a parallel process. If the body wanted to wait until CFA has reviewed it and given an opinion, they could do that.

- E. Warren, a guest to the Senate, said that Executive Order 890 is the reason that this policy is coming before you. This is brought forward with all other grants and contracts policies that we are required to have in place by this new Executive Order.
- It was clarified that FSAC approved the policy unanimously.
- It was argued that intellectual property rights are not only of interest to the union, but also the faculty as a whole. This is a first reading, so there is ample time for CFA to voice its opinion. It is imperative that the body as a body of faculty voices its opinion.
- It was noted that Cynthia Tasker is also an attorney.
- C. Tasker said that in the mid 90's the Statewide Senate formed a task force to formulate some documents, to inform everyone about the Fair Use Doctrine and some other points of law. They took it up again in 2001 and that task force worked on this issue to advise the various campuses in the CSU system on what they could do formulating their own individual policies on intellectual property. They produce a draft report in January 2003 and in March 2003 they produced their final report which was endorsed by the CSU Academic Senate that same month. The policy before the body largely follows the recommendations of the CSU task force on intellectual property by focusing not on what was created, but who created it. The main part of the policy is that the copyright ownership to academic or scholarly work, whether by faculty, librarians, staff or students remains with the creator. This is important so that you can control the content as a creator of your work, you control the ability to revise, modify, expand it or withdraw the work altogether. It protects academic freedom, encourages scholarship and research and allows you to take your work with you if you go to another institution. Setting that apart from the work for hire doctrine, which could be applied, and is increasingly applied in situations involving professors and faculty at institutions of higher learning. This why Executive Order 644 gave the campuses the authority to adopt and revise policies relating to intellectual property and to her knowledge the campus had never had such a policy.
- It was noted that two experts from the Library in intellectual property were invited to FSAC to review the policy and they also looked at other policies at other CSU campuses. They are all over the board. The one proposed to use seemed the most straightforward and most protective of the creator's work.
- It was argued that what Executive Order authorized the policy should appear in the preamble to the policy.
- C. Tasker advised against stating specific Executive Orders in policies because the institution does not want to have to amend the policies if the Executive Order are issued, amended or withdrawn.

- It was noted that after compensation, intellectual property is the issue that divides faculty and management nationwide. It is a big issue. He was not saying there was anything wrong with the document. His concern was that in a highly technical documents such as this that it not be handled in a perfunctory way, he wanted to make sure that didn't happen.

First reading completed.

Meeting extended 10 minutes to allow the body to finish discussion and go to a vote on the confidence resolution.

### **Return to Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration discussion**

- The President described the process by which Presidents are evaluated. The current one coming up for him will be a comprehensive one by an independent team created by the Chancellor's office reporting to the Board of Trustees. A summary of the final report will be made public.
- It was noted that in discussions about student evaluating faculty, sometimes student forget that sometimes faculty have something that they students don't know that they need. That needs to be remembered. Bureaucrats might make decisions based on the what they think is in the best interest of the institution but it might not be directly in line with what constituencies think they want and need. This is not like government. We can't vote people out of office. Democracy is important. The best solutions are going to come from honest, open, collaborative dialogue between people who are willing to work together. He agreed with the Chair that it was the wrong strategy at the wrong time. He suggested that social science survey about how people are thinking and feeling and where they'd like to see this go, move in that direction in an open, honest, collaborative way is the way to go about it.
- It was noted that those who were promoting the resolution could go ahead with the survey without the approval of the Senate and he argued against the resolution.

**Vote on Resolution to Assess Faculty confidence in the Academic Senate and SSU Administration – Yes = 7 No = 17, failed.**

Adjourned

*Respectfully submitted by Laurel Holmstrom*

