

Executive Committee Minutes

September 25, 2003
Sue Jameson Room
3:00-5:00

Present: Catherine Nelson, Melanie Dreisbach, Phil McGough, Noel Byrne, Karin Enstam, Robert McNamara, Elizabeth Stanny, Rick Luttmann, Robert Coleman-Senghor, Elaine McDonald

Absent: Ruben Armiñana, Eduardo Ochoa, Larry Furukawa-Schlereth

Guests: Jason Spencer, Tony Apolloni, Cynthia Tasker, Steve Wilson

Approval of the Agenda – agenda amended: Lecturer's Council Resolution regarding Enterprises surplus, Faculty Appointments to the Disabled Student Services Advisory Board Committee, Changing the Name of our Schools to Colleges. *MSP*

Approval of Minutes – changes noted. *MSP*

Correspondence Received: Search committees are currently going on for Presidents at San Jose State and Chico.

REPORTS

Chair of the Faculty - (C. Nelson)

C. Nelson reported that Perry Marker has emailed Susan Kashack requesting that in the graduation program students that receive a teaching credential at the same time they received a bachelor's have teaching credential noted next to their name in the program. She was not sure if any faculty governance committees needed to know about this and asked if she gets a contact back from Perry or Susan, could she refer that to the appropriate committee if that needs to be done. The body agreed. Richard Rodriguez and Eliza Velasquez have prepared a report on the retention of first generation students at SSU and she asked if they would present their report to the Senate. They have given dates, she asked the body for approval to go ahead and schedule it. The body approved. Laurel has asked that you encourage new faculty members to attend the Emeritus dinner. There was a conference in Sacramento at the end of January on the Intersegmental Major Preparation Articulated Curriculum which she believed has to do with transferring from a JC to the CSU without losing units in a major. A conference about facilitating transfer is coming up in December and she is waiting to hear from Elaine Sundberg on that matter.

Need for Intellectual Property policy – attachment T.C. 3:15 Tony Apolloni and Cynthia Tasker

C. Nelson gave some background to this item. She asked T. Apolloni to give a brief run down on what he is doing regarding an intellectual property policy and how he

came to do it. Then the committee will make a decision which Senate committee to refer this to.

T. Apolloni greeted the body and introductions were made. Cynthia Tasker introduced herself as a full time employee at CIHS as a grant writer and said she had been an attorney in private practice for twenty years on San Francisco and Santa Rosa.

T. Apolloni stated that about two years ago all grants and contracts administration moved stateside. Prior to that time most of the grants and contracts were administered by the Foundation and there was a decision made on this campus to join SF State and administer all our grants and contracts out of the state university trust fund account. He was looking at policies and procedures because in grants and contracts these are very important. In some cases there are federal requirements that policies be in place. So he worked on getting clear which policies they needed and systematically developing those. One of them, and not the highest priority, was intellectual property. We have now gotten to the intellectual property policy and have been looking at it for a year or so internally. There's a policy on campus about how to create a policy. What that policy basically says is that any unit can initiate a policy and bring it to the President and the President will seek consultation he thinks appropriate based on the content of the policy and then decides to approve or not to approve. Intellectual property at this point in the CSU, is a good to do, but not a have to do policy. Executive Order 644, which C. Nelson referred to him, says that a campus may approve a policy. C. Tasker stated Executive Order 644 uses the language "has the authority to adopt a policy." T. Apolloni continued that they looked at what other CSU's were doing, about 10 have a policy in place and the Statewide Academic Senate had developed a task force about two years ago looking at this issue and in January '03 came out with a report. They had involved legal scholars and a range of faculty opinion about this and they looked at that report very carefully. He stated CIHS has a draft of a policy, but felt at this point it wasn't appropriate to bring that today until it was clear who he would be working with. This policy obviously extends beyond sponsored work and he thought it was important that we have something clear that pertains to sponsored work and if you're doing it that way you might as well propose something across the board. Or if it does not seem appropriate, we could narrow our work down to sponsored programs. Looking at what the CSU task force recommended, he thought it made a lot of sense. The task force makes a distinction that focus should not be so much on who created the work, but on what was created. One category would be academic or scholarly work and that work, no matter who it is produced by, the copyright should be held by the creator. Copyrights for administrative works, such as spreadsheets, the recommendation would be that should belong to the university. Copyrights for commissioned work, that is work that is arranged for and paid for by the university, whether it is an non-employee or an outside employee, when it's done outside of their regular duties, should be owned by the university. The other category of work is sponsored works, that is when there is a contract or grant for the university to produce something, copyright should be with the university unless the contract for funding provides otherwise. Although academic or scholarly work that's developed off that, that work should be copyrighted in the creator's name. Also the task force stressed the need for the academic community to educate the

constituencies in the role of fair use doctrine and it also urges the use of license and assignments to copyrights to promote access to copyrights works and protect the interest of people copyrighted. It encourages licenses. In the area of patents, the task force said that until the CSU is funded as a research institution, it probably shouldn't worry a lot about patents. It's not cost effective to create the kind of infrastructure within the CSU to handle patents. What he recommended to the groups he's working with was that we would say something to the effect that faculty, staff and student investors should be free to go pursue a patent if they want to.

C. Nelson reminded the body that they were not to discuss the intricacies of the policy, but to discuss where to send this. R. Luttmann asked if the Statewide Academic Senate has prepared a model document. T. Apolloni responded that they prepared a long report on this topic, the substance of it's recommendations he just discussed. They did not prepare a model policy. C. Nelson stated that there is a copy of that report in the Senate office, there are also some copies of other campuses policies there as well. (It is available online at <http://www.calstate.edu/AcadSen/E-Senator/Reports/index.shtml>.) R. Luttmann noted the proposed path the policy should take and asked if there was a meeting of the minds on that. C. Nelson said she felt strongly that the recommendation should come from the Senate with all due credit to Tony for having initiated this due to the nature of the policy and that it should be under the Senate's purview. She stated she did not know if they had agreement on that, but she had no issue with Tony working with FSAC and having FSAC saying Tony Apolloni wrote this. T. Apolloni said he was not concerned about attribution. There is another important policy coming down on Misconduct in Research that you also might want to look at. C. Nelson suggested the establishment of a working partnership on some of the policies and it sounds like FSAC is the appropriate committee and they can refer it back to us and we can take it to the Senate. She stated she understood the President can send out policies to whomever he pleases for approval, but we would prefer the initial recommendation come from the Senate. She also suggested that it go to the Academic Freedom subcommittee. T. Apolloni stated the other policies they were working on they had shared with FSSP (Faculty Subcommittee on Sponsored Programs). But we had not shared this one yet. R. Luttmann agreed with C. Nelson's proposal for the policy to go through the Senate. R. McNamara acknowledged that T. Apolloni had come to FSSP, so it was going through the process, but he also remembered they thought a lot of it was over their heads and they thought it should go to FSAC. There was some discussion of specifics of an intellectual property policy. It was noted that what constitutes administrative work should be looked at by FSAC. M. Dreisbach thanked T. Apolloni for his and CIHS' work on this item so far. **C. Nelson asked if there was any objection to referring this to FSAC and the Academic Freedom subcommittee. MSP.**

Presentation of faculty in the commencement booklet – attachment – E. Stanny

E. Stanny stated that it was brought to FSAC's attention that FERP faculty are currently classified in the part time category in the commencement booklet. Someone was upset about this classification, so we considered the classifications in the booklet and we recommended that the categories be reduced to three. Right now we have four – full time, part time, emeritus and SSP. We thought three would do –

faculty, emeritus and SSP. FSAC wanted to bring it to the Executive committee's attention and was not sure where the recommendation should go. R. Luttmann stated that N. Byrne as past chair of the faculty is essentially the director of commencement. (Senate By-Laws Article III, Section 1.4) R. McNamara asked for a little history about how the issue got to FSAC. E. Stanny described the process and noted that the issue is that FERP faculty do not want to be in the part-time category. There was discussion of FSAC's recommendation and the appropriate procedure. N. Byrne stated he would bring the recommendation to commencement committee.

Faculty Appointments to the Disabled Student Services Advisory Board Committee

M. Dreisbach stated she had a request from Disability Services to reappointment Elaine McHugh and Barbara Lesch-McCaffry, the two faculty members who sit on the Advisory Board. Both faculty members are eager to continue their work with the committee and according to policy the Senate needs to approve this. She brought this to the Executive Committee to put on the Senate agenda. R. McNamara brought up a larger issue about how appointments are made. M. Dreisbach answered that when representatives come from the School, we do solicit recommendations from the School. R. McNamara asked how the Schools recommend, do they hold elections? M. Dreisbach responded that that is something that will be made clear this year as some people were elected last year to serve on committees in an appointed capacity. C. Nelson stated that Structure and Functions is the committee that is charged with appointing people, recommending to the Executive Committee or the Senate, depending on what the by-laws or constitution say or campus policies. Generally, people contact the Chair or the Chair of Structure and Functions and say we need somebody to sit on X. Then the Chair of Structure and Functions is charged with soliciting names. If we have people who are still interested in serving, we don't always go out and solicit because sometimes it's hard to get people. M. Dreisbach said the Advisory Board asked for a speedy response, so Structure and Functions did it through email. R. Luttmann offered that usually there is some document that explains the creation of the committee and how people get on it. He suggested that in general when there is an opening it is a good idea to advertise it widely. P. McGough suggested to announce that there is an opening, state that the two people on the committee want to continue and appoint them until they are officially appointed. R. Coleman-Senghor agreed with P. McGough and suggested that newer faculty need to be brought into the committees. **C. Nelson asked for approval to announce the openings to the entire faculty and to let the faculty know that there are two faculty members who wish to continue and appoint the Elaine McHugh and Barbara McCaffry on an interim basis. It was decided to send the appointments on an interim basis as a consent item to the Senate.** M. Dreisbach will describe to the Senate the situation.

Lecturer's Council Resolution regarding Enterprises surplus

S. Wilson stated that one of the Lecturer's Council actions recently was to send a resolution to the Senate calling for the profits from Enterprises to be used to help offset the budget cuts to instruction. At our CFA Executive Committee meeting, Peter Phillips reminded us that they had just taken \$400,000 from the Schools for ESAS and that the \$700,000 in Enterprises could be used to offset what they had

taken from the Schools so it could wind up back into instruction. The other Whereas clauses refer to the Supplemental Budget Language calling for the administration to look for alternative sources of funding to maintain instruction. Students have had a tremendous fee increase and to have cuts services, especially instruction programs, is not good form. Another thing that came up in the meeting was that most of those profits came from students to begin with. So the money should go back to the students. He prepared this resolution to go to the Senate from the Lecturer's Council. C. Nelson gave some background on Enterprises. She stated it is legal for the university to transfer those funds to instruction on a one time basis. Her understanding is that the university would have to pay it back. The \$700,000 figure comes from the President's year end report on the web. E. Stanny asked if it is a non-profit corporation. She suggested that it be called a surplus instead of a profit. Various members offered suggestions for clarifying the resolution. R. Luttmann offered that he thought the Enterprises surplus would not need to be paid back as it does not collect money for a certain purpose, such as the parking fund. M. Dreisbach questioned the timing of the resolution as she thought the Enterprises Board was meeting the next day. J. Spencer said that the meeting had been cancelled until the 6th and that they meet every other week generally. He also noted that President Armiñana said at the last Senate meeting that the money had not been allocated and that the Enterprises Board would decide how it was spent. **Motion from P. McGough to forward the resolution to the Senate. N. Byrne second. It was clarified that the Executive Committee authorized changes to the resolution prior to it appearing in the Senate agenda. Motion passed.**

APC report

R. Coleman-Senghor brought two issues to the body. He wanted to talk about the Long Range Planning document and it's readiness for the Senate and how APC would like to handle it at the Senate. He said he will have to make a change to the title and that is all. What we would like to do is have it as a first reading at our meeting next week and schedule it for a second reading for December 4th. The reason is that we want people to have a whole month to look at the document. **He moved that the Long Range Plan be sent to the Senate with the change in the title of the document. P. McGough second. Motion passed.**

Item two he stated that something interesting has emerged with respect to the Vice President of Academic Affairs. As you know the Senate created a planning body and now, literally today, in APC, we got the word today that the Vice President is moving in the direction of having a strategic planning initiative and he's going to bring a consultant on to campus. This has been done without even meeting with APC. Last time he asked what we had been doing. We asked for an early meeting with him so we could get on the same page. That did not occur. He's going to begin this process in the next couple of weeks with the plan of having a strategic plan by the end of the year. R. Coleman-Senghor stated he went through every one of our campuses and looked at their long range and strategic plans with their timelines. There is no way any School can get a strategic plan in place unless it's going to be in effect, a plan that is going to be made from the top down in terms of organization. Our committee is concerned. We are trying to take a conciliatory stance on what his plans are. We would like to literally call him back from this action. Our position is

that we should go to him or he should come to us having read our Long Range Plan to talk about its strengths and weaknesses. And then to at least offer a description of what model he thinks our long range planning fits and what other alternative models are out there including the one that he prizes. And also to talk about the way in which he plans to bring faculty and administration together on the academic side of the house to go about planning. He wanted the body to be aware of this because APC wants their counsel on how to proceed with this matter. Meetings between the Provost and APC are set up for next week. The only introduction we had to this was Rose Bruce came and said the Provost is thinking about planning and his thoughts about planning include this kind of model, it was very hazy, very informal. We said it sounded interesting and will wait for him to come to APC to get a clearer idea and we will try to meet with him prior as well. That has not happened. He has moved ahead with planning which in effect makes this committee, APC, moot and that is of great concern to us and we're looking for guidance about how to respond. M. Dreisbach stated that the Chair relinquished the gavel to her for this discussion.

C. Nelson provided some context. The Provost mentioned his idea about doing strategic planning on a very general basis with her since her first meetings with him. He was specific late last week about wanting to do a strategic plan or some kind of planning to figure out how to deal with the budget cuts that are coming specifically in '04-'05. At the same time that conversation was going on there was and continues to be, with the faculty on the VPBAC about the way that the Provost is or is not using the VPBAC as an advisory body. The way the Provost explained the planning process to her was that he wanted to use the VPBAC because it is fairly representative and add other appropriate stakeholders, whoever those might be and move quickly to start the strategic planning Bob is talking about. The Provost asked me as Chair of the Senate to co-chair this body. She agreed primarily because she stated she thought that whatever he is doing we need to be there. She also made it clear to the Provost that the VPBAC is concerned about the way he is using the VPBAC. She asked the Provost if he had read the Long Range Plan that APC brought to the Executive Committee and what his opinion was. He said his opinion was he thought it was good, but there was no prioritizing or way to prioritize, but it was a good place to start in terms of setting priorities for cuts coming in '04-'05. She did not realize that this conversation was not going on with APC at the same time. She did tell the SBC on Tuesday. There was not the same reaction as in APC, but there was a reaction. Is he using the planning process to get around the blue paper responsibilities of the VPBAC to advise the Vice-President on budgetary matters?

Comments after this point are very summarized:

R. Luttmann argued it may take time for the new Provost to get used to SSU and we might give him some slack, but we cannot tolerate any more inroads into the faculty's authority. He suggested to put this on the agenda for the informal meeting with the Provost. E. Stanny stated that Judith Hunt brought it up in FSAC, who stated basically what Catherine described and there would be a big town hall meeting at the beginning with all faculty involved. She said it was unfortunate how the information was getting distributed, but there was some effort to inform. N. Byrne voiced concern about the VPBAC and what has happened to APC. He noted that originally the VPBAC was comprised of faculty and Deans. Later AVP's were

added which diminishes the place of faculty in the shared governance process. R. McNamara affirmed that the issue come up at the informal meeting with the Provost and stated the real issue is shared governance and that was the guidance he wanted to give to APC. E. Stanny offered that is good to be sensitive to budgets and that things have to be timely and move quickly. Shared governance is sort of a slow process whereas the budget is quick. She did not know how faculty governance could adjust, but thought that being able to move quickly would allow the faculty to be involved. R. Coleman-Senghor stated he said to the Provost, APC had two steps. They want to have an academic plan and then to have a strategic plan in conjunction with Academic Affairs where we would establish priorities. APC has been hampered in that way because of the position of our President with respect to planning and where the faculty fit into that planning profile. He thought that looking at the Long Range Plan or strategic planning, faculty governance has to be there to establish values and priorities. As there are three parts to planning, a plan, a strategic plan and an execution of that plan, the third part would be left to the administration. He said he felt he had a direction to go. He thought C. Nelson legitimized by agreeing to co-chair the committee. He argued that for the last five years he has seen faculty co-opted on committees and having it come back on the faculty. C. Nelson agreed with R. Luttmann in terms of giving the Provost the benefit of the doubt. Her experience is that he is not trying deliberately to exclude faculty from the process. He is focusing more on the hard budget cuts coming soon. With regards to co-optation, she said she understood R. Coleman-Senghor's point and in this particular instance she disagreed with him. If this is what he wants to do with the VPBAC, then we need to be there to give our point of view as often and as loudly as we can. That is why she agreed to do the co-chairing. If the Executive Committee wishes her to go to the Provost and say she shouldn't do it, then she would be happy to consider that suggestion. N. Byrne noted that from the beginning of the semester he thought the VPBAC would be called right at the beginning of the semester because of the necessity of making these decisions. It wasn't called. After he did some checking, he found that the Provost saw no urgency to call the VPBAC and instead called the Academic Council and used it to serve the function of the VPBAC. He finally called that meeting with reluctance. Faculty governance is not a slow process, if you make use of it. R. Coleman-Senghor noted the Chair of APC is the representative for planning in faculty governance. He argued that C. Nelson should have referred the Provost to APC as they have been working on planning. **R. Coleman-Senghor moved that the Chair of APC sit on the strategic planning committee with the Provost rather than the Chair of the Senate. R. Luttmann second.** R. McNamara suggested that the process be brought up at the informal meeting. R. Coleman-Senghor argued that we need to affirm the authority of the committees that we have and their working. There are people on APC that have been working on this for six years. **Motion withdrawn until after the informal meeting with the Provost next Tuesday.**

FSAC report

E. Stanny reported that FSAC had questions about the referral of the compensation of lecturers because in the resolution we're giving one unit to the lecturers, but we want to be careful here. When the resolution was passed there was assumed a certain number of units. But the pool of units is shrinking and there is nowhere else

where we allocate the units except for in this document. So do we want to give at least three units to lecturers even if our pool is shrinking or do we want to refer to FSAC something else. Do you want us to be allocating these units given that the unit pool is shrinking? M. Dreisbach answered that the units have already been given through the resolution, but it was unclear in the resolution whether it was by semester or by year. If we are talking about taking that specific unit out, it needs a new resolution. N. Byrne noted it was only a one year shrinkage. E. Stanny said she was speaking with Judith Hunt who said we would be lucky if we got 48 the next year because of the coming budget and the Provost checked the allocation to Senate's at other CSU campuses and SSU is the highest and he has that in his mind. R. McNamara stated that the agreement for one year is in writing. R. Coleman-Senghor offered that he thought FSAC's issue was about structural distribution. If we are reduced, what next body will receive that reduction. He thought that decision could be made when we get there. E. Stanny argued that these three units have already been allocated, so the pool to work with would be reduced by that much more. By making this resolution, the lecturers have the highest priority for getting units. There was some confusion about what the actual charge to FSAC had been. C. Nelson responded that the original charge to FSAC was whether the one unit assigned to lecturers should be per semester or for one year, and to decide whether or not lecturer meant any lecturer elected to the Senate in any capacity or just for the Lecturer Senator seats. She thought that in FSAC reporting back to the Senate, they could caution the Senate on the matters you have brought up to this committee. E. Stanny also reported that Provost Ochoa has asked FSAC to make up a syllabus policy. We don't have a syllabus policy, but the schedule of classes and the catalog says under students rights and responsibilities there is a syllabus policy, but there isn't. She just wanted the committee to know they were working on this. R. Coleman-Senghor asked what a syllabus policy is. E. Stanny responded you have to show office hours, grading, meeting dates, things like that. R. Coleman-Senghor said we have a practice that needs a policy. C. Nelson stated it would have been nice if the Provost would have let us know he requested this.

Meeting extended 10 minutes

Senate Agenda

Report of the Chair of the Senate - Catherine Nelson

Correspondences:

Consent Items:

Approval of the Agenda

Approval of Minutes

Appointments to the Disability Services Advisory Committee – interim reps: Elaine McHugh and Barbara Lesch McCaffry

BUSINESS

1. From S&F: Procedures for emergency Senate action- attachments – Second Reading – M. Dreisbach

2. Discussion Item: Joint CSU/CFA 2003-04 Supplemental Report Language

document – attachments – B. Moonwomon

3. Resolution from the Lecturer's Council regarding Enterprises surplus – attachment –First Reading- S. Wilson

4. Long Range Academic Plan – First Reading – attachment – R. Coleman-Senghor

MSP

SAC report

K. Enstam reported that SAC elected Brigitte Lahme from Math.

Agenda item of changing names of schools to colleges deferred to next agenda.

Good of the Order

M. Dreisbach noted her email about having a party on November 15th with the Executive Committee. She stated we saw this as a way to welcome the Provost and his wife and she has offered her home to host it. There was some lively discussion among the body about suggestions for the party.

ADJOURNMENT

Respectfully submitted by Laurel Holmstrom