

Academic Senate Minutes
May 25, 2006
3:00 – 5:00 Multi-Purpose Room, Student Union

Abstract

Agenda amended and approved. Minutes of 5/11/06 approved. Degree name change for CCJ approved. Candidates for Graduation approved. Information item from EPC on Program Reviews. Chair's Report. Faculty Consultation in Budgetary Matters approved. APC: Changing Schools to Colleges tabled. President Report. Vice President of Associated Students Report. Statewide Senator report. APC report. Resolution Regarding Contracting Bookstore Services to Barnes and Noble approved. Changing of the Guard.

Present: Elizabeth Stanny, Elaine McDonald, Melanie Dreisbach, Edith Mendez, Catherine Nelson, Noel Byrne, Michael Pinkston, Kristen Daley, Elizabeth Martinez, Robert Coleman-Senghor, Thaine Stearns, Liz Thach, Steve Cuellar, Bob Vieth, John Kornfeld, Raye Lynn Thomas, Tia Watts, Murali Pillai, Sunil Tiwari, Wanda Boda, Myrna Goodman, Melinda Milligan, John Wingard, Sandra Shand, Marguerite St. Germain, Ruben Armiñana, Eduardo Ochoa, Lindsey Simoncic, Sara Statler, Greg Tichava, Perry Marker, Carlos Ayala, Rick Luttmann (second half)

Absent: Robert McNamara, Paul Draper, Robert Train, Richard Whitkus, Sandra Feldman, Glenn Brassington, Bruce Peterson, Larry Furukawa-Schlereth, Doug Jordan

Proxies: Peter Phillips for Rick Luttmann (first half), Susan Moulton for Art Warmoth, Helmut Wautischer for Steve Wilson

Guests: Mary Gendernalik-Cooper, Katharyn Crabbe, David Abbott, Neil Markley, Anna Reynolds-Smith, Ryan Ernst, Carol Blackshire-Belay, Timothy Wandling, Elaine Sundberg, Elaine Leeder, William Babula, Saeid Rahimi

Approval of Agenda – Resolution on Contracting Bookstore Services to Barnes and Noble – *Approved.*

Approval of Minutes of 5/11/06 – *Approved.*

Consent items:

Degree name change for Criminology and Criminal Justice – *Approved.*
Candidates for Graduation – *Approved.*

Information item from EPC on Program Reviews passed out at meeting.

Chair's Report – E. Stanny

E. Stanny spoke about collegiality and recent concerns about Senators on the speakers list not getting a chance to speak. The Chair reminded the body that it uses

Roberts Rules and 2/3 of the body has to agree to end debate when such a motion is made. Thus is it the will of the body and how Roberts Rules works, not an intention to limit any particular Senator's time to speak. The Chair encouraged Senators to comment on the APC strategic plan recently sent out and also on the University Strategic Plan "areas." (<http://www.sonoma.edu/uaffairs/strategicplan/>). The Chair commented on the consultation process for the Bookstore decision. She reviewed how faculty are placed on administrative committees and took responsibility for communication issues. She also noted the communication problems with faculty who are on those committees. She said one of the faculty on the Enterprises Board would talk at the meeting about his role in the decision to outsource the bookstore to Barnes and Noble. The Chair said she became aware of the decision when everyone else did, but faulted herself for not noting it when it was brought in the Campus Reengineering Committee. She continued to address the communication issue of faculty on administrative committees. She reported on the deliberations of the Executive Committee concerning the Senate Budget Committee report and why the committee decided not to bring it forward to the Senate at this time. Since it has been sent out by a Senator already, she asked the body to keep her remarks in mind as they read the report.

Faculty Consultation in Budgetary Matters – E. McDonald

The Chair noted that some of the amendments being proposed could not be decided by the Senate as the committees named in the amendments are not Senate committees.

E. McDonald noted the amendment to the policy passed at the last meeting.

Motion to move item to another time when maker of the amendments is present. Second. Request for ruling by Chair. Chair ruled that the item would not be moved.

Motion to consider amendment Page 4, 4.2 ". . .;should any such decision be contrary to the recommendation, a full explanation of and justification for the contrary decision shall be provided." Second.

Point of Order made that previous motion to move item to 4:30 should have been voted on by the body. Chair agreed and asked for discussion.

Vote on motion to move item to another time - Failed.

Motion to consider amendment Page 4, 4.2 ". . .;should any such decision be contrary to the recommendation, a full explanation of and justification for the contrary decision shall be provided." Second.

Question called. Second. Approved.

Vote on motion amend Page 4, 4.2 ". . .;should any such decision be contrary to the recommendation, a full explanation of and justification for the contrary decision shall be provided." – Approved.

Motion to add to Page 4, 4.3 second sentence, “. . .decision of Vice President to the faculty of his or her School.” Second.

Vote on motion – *Approved.*

Motion to consider item 2 of amendments list: include a member of the Senate Budget Committee on the President’s Budget Advisory committee. Second. Discussion.

Vote on motion – *Failed.*

Motion to consider items 3 & 4 on amendments list: Liaisons from the AABAC and the CRC be restricted to faculty, staff or students and rename the Campus Reengineering Committee. Second. Discussion.

Vote on liaisons amendment. *Failed.*

Motion to table. Second. Vote - Yes = 11, No=16 *Failed.*

Question called. Second. *Approved.*

Motion to rename Campus Reengineering Committee – *Failed.*

Motion to remove the word “full” from 4.2 and change a to an. Second.

Vote on motion – *Approved.*

Question called on vote for entire policy. Second. *Approved.*

Vote on Faculty Consultation in Budgetary Matters policy – *Approved.*

APC: Changing Schools to Colleges – Second Reading – S. Moulton for A. Warmoth

S. Moulton noted that APC did not make any specific recommendations on this matter to the Senate.

The Provost noted that collegiality requires a modicum of trust. He stated he thought some of the comments on Senate-Talk urging a no vote on this item evidenced a general lack of trust and not anything specific about the issues. He stated that the changing Schools to Colleges would not necessitate any other change. He noted that R. Senghas argued that changing language would change perception and the Provost agreed. He argued why the name change would reflect perceptions already present at the university.

There was discussion that focused on faculty concerns about what the change meant, how it would look, and that it would benefit from more discussion.

Motion to table. Second. *Approved.*

President Report – R. Armiñana

The President hoped for good weather for Commencement.

Provost Report – E. Ochoa

No report.

Vice President of Associated Students Report – L. Simoncic

L. Simoncic reported that the AS passed a five year strategic plan for Associated Students. She said she enjoyed working with the Senate.

Statewide Senator Report – C. Nelson

C. Nelson noted that an End-of-the-Year Report for the Statewide Senate was handed out prior to the meeting. She said if there were any questions, the Senators could consult the Statewide website. The Statewide Senator was asked about remediation. She responded that the Senate itself has expressed concern about the CSU's continuing to do remediation when it is more appropriate for the community colleges or high schools to get students up to speed.

APC report – S. Moulton

S. Moulton reported that APC had a lively discussion about a draft of an academic strategic plan. They welcome feedback on it.

Resolution Regarding Contracting Bookstore Services to Barnes and Noble – R. Luttmann

R. Luttmann introduced the resolution. Then he yielded the floor to Peter Phillips who gave the following remarks: *(P. Phillips kindly sent his speech for inclusion in these minutes)*

Good Afternoon:

Thank you allowing me the time to make this brief statement.

Sonoma State Enterprises (SSE) released a request for proposals (RFP) for management of the SSU bookstore on March 10, 2006 with a deadline for filing a response of April 6, 2006. There was no public announcement of this RFP, instead Enterprises sent the RFP directly to three national bookstores chains including Barnes and Noble.

Page two of the RFP states, "SSE is seeking to establish a business partnership with a nationally recognized bookstore company. "

Local and regional independent bookstores like Copperfields and North Light and any other potential contractors in the entire United States were deemed unqualified and excluded from applying for this contract.

David Grabill, an attorney for Copperfield's and North Light has sent a letter to President Armiñana on May 24 suggesting that the University has acted in violation of State Law:

The State Contract Act, Pub. Contract Code §10700 et seq., requires public notice prior to entering into contracts such as this. The University and its subsidiaries are normally required by §10140 of the Act to publish notice of this RFP "in a newspaper of general circulation published in the county in which the project is located, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done." We don't believe the SSE complied with this requirement.

Absent compliance with the publication requirements of state law, neither the University nor its subsidiary, SSE, has authority to enter into a contract with Barnes and Noble for operation of the university bookstore.

In today Press Democrat Mr. Neil Markley is quoted as saying "we are not a public agency, so the state contract act does not apply."

It should be noted however that the SSU bookstore is operated by state employees paid out the general fund, which is reimbursed by bookstore revenues. Given the State status of the bookstore employees including CSEA union membership, he claim that they are not a public agency is disingenuous at best and legally complicates Mr. Markley's claim.

Over and above the legal issues is the general appearance of improprieties by a public agency. Excluding other applicants from applying to the RFP carries with it the public appearance of favored candidates for the contract.

Both Copperfield's Books and North Light Books have operated successful bookstores for many years, and have greatly enriched the literary and cultural fabric of our county. These local book sellers and many others in the region should at least have an opportunity to submit a proposal to operate the university bookstore.

By failing to publish a notice of the RFP in a local newspaper of general circulation, or publicize this opportunity in any other manner in this area, SSE and the University have essentially denied these highly respected local businesses this opportunity

Decision to go with a National Chain

Ken Brown current manager of the SSU bookstore was advised in his last employee evaluation to train and prepare staff for a his retirement. Mr. Brown has been working with Ms. Jennifer Crisp in preparing her to take over the duties of

bookstore manager. She is a five year employee of the campus bookstore and a SSU graduate.

We certainly have a long tradition of helping our graduates with career advancement on campus. Both Noel Byrne and Myrna Goodman attend SSU as undergraduates. Less than a decade ago Mr. Neil Markley was an undergraduate at SSU.

A regional committee of the CSU Bookstore Directors from SFSU East Bay and Chico offered to provide consulting services to the SSU campus to insure an easy transition after Ken Brown's retirement.

In a letter dated: April 5

We would like to offer our services as a resource. Our goal is to provide a comprehensive analysis of existing operations and implement recommendations to match the institution's mission and goals. We are able to review, analyze, and recommend in the following areas:

Site evaluation, Development of a long term strategic Evaluation of operations and infrastructure and expanding revenue opportunities

Additionally Stacy Waymire is the Executive Director of the Independent College Bookstore Association representing 22 CSU and UC independent bookstores has made a similar offer.

There is absolutely no reason that state employees with the proper support cannot run a more effective bookstore operation than Barnes and Noble. It is being done all over the state.

The 13 CSU Independent Bookstore managers sent a letter to SSU about a month ago. In it they supported continuing SSU Bookstore as an independent instead of contracting with Barnes and Noble for the following reasons:

All profits are retained by the University, rather than flowing off-campus to serve the profit interests of the owners or stockholders;

While lease operators promise to retain key staff and management, the fact is that the majority of managers and key staff leave the operation within a year, and take years of relationship-building and knowledge with them - lease operators use this attrition to drastically reduce the staffing levels of their stores; Ken Brown started working for SSU in 1967.

The rate of pay for Inc. store managers is low compared to the national averages, especially for California, and the majority of their stores have high rates of turnover and lower-skilled management in place;

Industry surveys consistently have demonstrated that contract-managed stores adopt pricing schemes which result in higher prices on textbooks, supplies, and apparel than institutional stores.

Most contract-managed stores suffer a decline in appearance, merchandise selection, and quality of trained staff when compared with their institutionally-controlled predecessor.

The 13 CSU managers went on to state that they believe the bookstores should serve as extensions of academic support, working to enhance the quality of life, convenience, and academic experiences of campus members while ensuring a reasonable rate of return to ensure ongoing health and growth.

The claim has been made that Barnes and Noble has stronger buying power than an independent bookstores and that this will benefit students with lower prices and higher levels of used books.

SSU Bookstore buys through the ICBA buying group which give them equal pricing to costs Barnes and Noble. Additionally, SSU uses the Nebraska book group to handle buyback of student texts, which is a national firm offered competitive prices to student selling their books. Barnes and Noble will not be able to offer superior prices for textbooks if the bookstore is allowed to manage their own operation.

However for the past decade revenue profits for our bookstore have declined from a high \$350K in 1991. Part of the reason for this has been SSU administration and finance policies that have tied the hands of the bookstore management team and assessed excessive charges for campus operations such as CMS, IT, maintenance, and accounting.

Ross Perot talked about that sucking sound in regard to NAFTA, as faculty we all hear that same sound from A&F every year, well I now know same is true for the bookstore.

In conclusion I would like to talk about the campus climate/cultural factors. We are a university community. There is a tension between those of us who see SSU as humanistic places of scholarly work, teaching, and collegial interactions and there are those that see SSU as corporate bureaucracy. The bookstore issue is both symbolic and practical. State employees can operate an effective/efficient bookstore. But in terms of corporate outsourcing I worry more about losing the soul of who we are as a university community.

The President spoke to the legal statements. He said under the law Sonoma State Enterprises is a 501c3 corporation and does not fall under the state law cited.

R. Luttmann clarified that the resolution does not take a position on the bookstore rather it asks for more time to deliberate.

Motion to waive first reading. Second.

Question called. Second. *Approved.*

Vote on waiving first reading. *Approved.*

N. Markely spoke to the body about how the Enterprises Board consulted with various entities and what assessments they went through. He said a lot of the information going around was not factual and that to provide a full explanation of how they made the decision would take forty-five minutes. He asked for questions from the body.

P. Porter spoke to the body as a faculty member of the Enterprises Board. He said he thought the process they went through was “pretty fair.” They were concerned about upgrading the facility as there are not university resources to do so. They were concerned about the staff of the bookstore and worked to make sure they got equal jobs or higher. They were concerned about having a time limit, so it’s a five year contract. He couldn’t comment on the letters from the other bookstores as he didn’t see them. He thought the process was good, but philosophically consultation was another issue.

A Senator asked about a forum that was held regarding about the bookstore.

The Chair-Elect responded that a forum was held, but it was after the decision was made. N. Markely came to the forum. Only two people showed up. The presentation was interesting, but did not answer all the questions being brought up here today.

Support was voiced for the resolution and its request for more time.

The President asked N. Markley what a multi-channeled enterprise meant in the context of looking for an outsource for the bookstore.

N. Markley responded that the bookstore is more than a bookstore. It has general books, apparel, general merchandise, computers, art supplies, etc. An academic multi-channeled retailer is someone who can hit each of these areas including text books. He noted a distinction between the Barnes and Noble superstores and Barnes and Noble college stores. He didn’t think anyone on the local level could provide that level of service.

The Staff representative assured everyone that CSUEU will make sure that the staff in the bookstore will be taken care of. He also argued that there was no staff representation on the Enterprises Board. He said that MPPs are not staff. He thought slowing down the process was a good idea.

A Senator noted that the Academic Affairs Strategic plan states we should “Foster collaborations that address the needs of the regional community.”

A Senator asked what would be the consequences of waiting to make a decision.

N. Markley said summer was a better time for a transition since classes were not in session and the bookstore’s manager retiring creates staffing issues.

A Senator asked if the Enterprises Board would accept the recommendation of the resolution and if contractually, any change can be made. He also stated that this set a very bad precedent and urged the body to not let it pass by without notice.

N. Markley responded that it would be difficult to stop the process at this time. If his Board of Directors wants to change it, they will, but he doubted they would. He felt very confident about the decision. He stated they followed the consultation process.

A Senator noted that she wanted to work here because there were small independent stores and that if Barnes and Noble took over, she would buy her books elsewhere.

The student representatives clarified that they were informed at their Senate meetings of the costs and benefits. They were not aware that other bodies had not vetted the decision. Associated Students did not pass a resolution regarding the issue.

A guest reminded the body that the campus has a newspaper and that it would have been a good vehicle to alert the campus community.

A Senator argued that it was a shame that local bookstores didn't have a chance to even see the RFP.

The Senate Secretary thought that developing a report back mechanism from faculty on administrative committees could be developed next year.

A Senator argued that a \$4.5 million issue was huge and should have been brought to the Senate by the VP of Administration and Finance. He argued that no one should purchase anything from this new bookstore.

A Senator noted that any methodology's effectiveness is measured by the outcome and given that no one at the Senate heard about this decision shows that the method by which the administration "got the word out" was lacking.

Question called. Second. *Approved.*

Vote on Resolution – *Approved.*

Resolution Regarding Contracting Bookstore Services to Barnes and Noble

RESOLVED: That the Academic Senate of Sonoma State University strongly urges the SSU Administration to delay signing the contract with Barnes and Noble, and allow time to fully assess, in cooperation with the Academic Senate and a broad representation of faculty and students, the capabilities of our own state employees and/or local and regional vendors to manage the SSU bookstore.

RATIONALE: Sonoma State Enterprises (SSE) released a request for proposals (RFP) for management of the SSU bookstore on March 10, 2006 with a deadline for filing a response of April 6, 2006. There was no public announcement of this RFP; instead SSE sent the RFP directly to three national bookstore chains including Barnes and Noble. Page two of the RFP states "SSE is seeking to establish a business partnership with a nationally recognized bookstore company. "

Local and regional independent bookstores such as Copperfield's and North Light were deemed unqualified, and thus excluded from applying for this contract. It is unclear why the option of continuing the bookstore as is, with a new manager, has seemingly been rejected.

As we now know, Barnes and Noble has been selected for the contract. The contract is scheduled to be signed this week, with Barnes and Noble taking over management responsibility July 10 2006. Very few people on campus were aware of this major change in how our \$4.5 million bookstore operation will be handled until early last week.

At a time when the state is so strapped for money, bringing in a chain store that would siphon money out of the state while also competing with local booksellers who are much more supportive of their communities seems ill-advised. Copperfield's and North Light -- as well as the SSU Bookstore -- are members of NCIBA (Northern California Independent Booksellers Association), and according to its spokesperson "would be well-justified in weighing in if needed".

David Grabill, an attorney for Copperfield's and North Light has sent the following letter to President Armiñana, suggesting that the University has acted in violation of State Law:

Re: SSU Student Bookstore Contract for Operation and Management

Dear President Armiñana,

I've been asked to contact you on behalf of Copperfield's Books and North Light Books, two local bookstores which are well-known to the faculty and students of Sonoma State.

They recently learned that a subsidiary of the University, Sonoma State Enterprises, Inc. ("SSE") issued a Request for Proposal for an outside company to operate the Sonoma State University Bookstore. The bookstore had over \$4.6 million in sales in the 2004-2005 school year, and turned over a profit of roughly \$200,000 to the University. It provided jobs for many SSU students. The bookstore has generally been considered a successful operation, and its current manager, who is retiring soon, has received praise from both faculty and students.

Instead of simply recruiting a qualified replacement for the manager, SSE quietly decided to issue an RFP proposing to turn over management and operation of the bookstore to "a nationally recognized bookstore company." We understand that the RFP was submitted to three national bookstore chains, and that the decision has been made at some level to award a contract to Barnes and Noble -- with no public input, and with no opportunity for local bookstores to submit proposals.

The State Contract Act, Pub. Contract Code §10700 et seq., requires public notice prior to entering into contracts such as this. The University and its subsidiaries are normally required by §10140 of the Act to publish notice of this RFP "in a newspaper of general circulation published in the county in which the project is located, or if located in more than one county, in such a newspaper in a county in which a major portion of the work is to be done." We don't believe the SSE complied with this requirement.

Absent compliance with the publication requirements of state law, neither the University nor its subsidiary, SSE, has authority to enter into a contract with Barnes and Noble for operation of the university bookstore.

Both Copperfield's Books and North Light Books have operated successful bookstores for many years, and have greatly enriched the literary and cultural fabric of our county. These local book sellers should at least have an opportunity to submit a proposal to operate the university bookstore, and the selection process among the various proposals should not be carried out without some opportunity for public comment and input. By failing to publish a notice of the RFP in a local newspaper of general circulation, or publicize this opportunity in any other manner in this area, SSE and the University have essentially denied these highly respected local businesses this opportunity. By contrast, it appears that SSE made special efforts to recruit proposals from Barnes and Noble and one or two other big chains with few ties to this community or university.

There may well be some advantage to having a big chain like Barnes and Noble on campus, but neither you nor your staff nor the public can even begin to weigh the merits of Copperfield's, North Light Books, and perhaps other local book sellers vis-à-vis Barnes and Noble if local companies have not been allowed to compete for this contract.

I would request that SSE halt further negotiations with Barnes and Noble until the publication requirements of the State Contract Act have been fulfilled, and the university has opened this bidding process to Copperfield's and North Light Books.

Please feel free to contact me if you have any questions, or if I can provide any additional information.

Changing of the Guard

The Chair presented the Past Chair with a gift from herself and the Chair Elect, an engraved gavel. The Past Chair was also presented with the official "chair" for outgoing Chairs of the Faculty.

The Chair presented the gavel to the Chair-Elect.

The Chair-Elect presented the following resolution to the body which was approved.

RESOLUTION

Honoring

**ELIZABETH STANNY
Chair of the Faculty 2005-2006**

- Whereas Elizabeth Stanny, with her spirit of open mindfulness, demonstrated courageous and calm leadership as she searched for consensus and collaboration between faculty and the administration; and
- Whereas she has been devoted to furthering consultation on campus, leading a spirited debate and enlightening us all to the meaning of shared governance and collegiality; and
- Whereas she has turned her keen eye and intelligence to all things relating to budget, requiring institutional accountability broadly and in the most obscure budget line items; and
- Whereas her tireless research in academic planning has contributed invaluable to the faculty's statement of priorities, demanding that we do more than just state what we believe in; and
- Whereas she has accomplished all of the above with a never-failing good humor and candor, and most importantly, she adjourned almost all meetings on time; therefore be it
- Resolved that, as we still cannot imagine the physical contortions mastered by the yogi she is, we take a deep breath and express our extreme appreciation for her devotion to leading us on the mental path of collegiality, budget wisdom, and just plain good common sense that has marked her tenure as Chair of the Faculty of Sonoma State University.

Thanks were given to L. Furukawa-Schlereth for the refreshments and to the Senate Analyst for her work.

Adjourned

Respectfully submitted by Laurel Holmström