2 p.m. – 5 p.m.

2007/2008 A cademic Senate

MINUTES May 5, 2008

I. The meeting was called to order at 2:10 p.m. and attendance was taken. Thirty-nine Senators were present.

Ex Officio:

Present: Van Selst, Lessow-Hurley,

Kassing, Henderson

Absent: Gorman, Sabalius

Administrative Representatives:

Present: Sigler, Najjar

Absent: Phillips, Lee

Deans:

Present: Parrish, Merdinger, Stacks,

Students:

Present: Reyes, Grabowski

Bridgeman, Castillo

Absent: Lazarowich, Zeier

Alumni Representative: Absent: Thompson

Emeritus Representative: Present: Buzanski

Honorary Senators (Non-Voting):

Present: Norton

General Unit Representatives:

Present: Sivertsen Absent: Romo, Liu CASA Representatives:

Present: Fee, Schultz-Krohn, Hendrick, Kao, Canham

COB Representatives:

Present: Roldan, Jiang Absent: Campsey

ED Represent:

Present: Maldonado-Colon, Rickford, Langdon

ENG Representatives: Present: Backer, Meldal

Absent: Gao

H&A Representatives:

Three Presidential candidates will be on campus this week. Open forums will be held on Tuesday, Wednesday, and Thursday at 10:30 a.m. in Engineering 189. The Chair encouraged Senators to attend, and to get their feedback to an Advisory Committee member via email. Email contact information for all the Advisory Committee members will be sent out this afternoon.

Dean Belle Wei was congratulated for receiving the Don Beall endowed Deanship for the College of Engineering.

Chair Lessow-Hurley attended the forensic team debate about the suspension of blood drives at SJSU. There were several hundred people there, and it was an impressive event.

Associated Students were in Sacramento protesting the impact of the budget cuts on the CSU in late April.

The campus had a very successful Day of Service on April 25, 2008.

Dr. Halualani will be presenting a Goals Advisory Report to the Senate at 4:00 p.m. today. She will be arriving on a plane from London and coming straight to the Senate for her presentation. The Senate will break whenever she gets here to allow her to give her report. The Goals Advisory Committee (GAC) selected three goals that were approved by President Kassing. They include improving retention and graduation with an emphasis on improving advising structures and practices, faculty excellence towards student success, and internationalizing SJSU.

The Chair announced that AS 1393 would not be coming forward as indicated on today's agenda.

B. From the President of the University -

President Kassing made the following announcements:

The budget discussions continue with some uncertainty. We should have the May revise in a few days.

The President thanked Senators for participating in the campus efforts to communicate our concerns about the budget. The President particularly praised Associated Students for their efforts in this regard.

The GAC took a hard look at what we learne

universal SOTES for those departments and colleges that use them?" Senator Bros said, "Correct, these are the ones that are being sent directly to the departments. Only those SOTEs that are not normally selected for use in the performance and periodic review are the ones that would be sent directly to the Office of Institutional Research."

Senator Hebert asked, "Why the middle 60%? This tends to bias department, college, and university norms upwards. Why are we doing this rather than using all the scores?' Senator Bros said, "I think the idea behind using the middle 60% is to provide some kind of error bar to understand what the variability is within in

apply. I just a little confused about your question?"

Senator Meldal said, "Current thinking is to strip all personal data from the file, so that in the end there is no way to get back from the data to the person."

Senator Kaufman asked, "If only one person is teaching a class that semester and that is the norming semester, couldn't you go back and identify who taught the course." Senator Meldal said, "The intent is to strip the data to the point that cannot occur any more, so class numbers are unlikely to survive the stripping."

Senator Van Selst said, "Could I suggest that the committee consider adding another resolved clause to that effect."

Senator Schultz-Krohn said, "I'm curious, if there is a faculty member that is trying to collect a sufficient number of SOTEs over a period of time could they still use that data during the norming semester?" Senator Bros said, "Yes, what we didn't want to have happen was for people to forget their SOTEs and then do all the classes and look through them and pick their best groups. We didn't want to encourage that procedure. The idea is that the process happen as usual where the faculty and/or department decide which SOTEs are appropriate for RTP, and then any other classes would go directly for norming and wouldn't be used for any other purpose."

Senator Canham made a motion to make the resolution a final reading. The Senate voted and the motion failed.

D. Curriculum and Research Committee (C&R) -

Senator Kaufman presented AS 1385, Policy Recommendation, Incorporating Accessibility into the Curriculum Review Process (First Reading). Senator Peter made a friendly amendment to change the 4th Resolved clause to read, "that the University recognize that the success of the efforts covered by this resolution can only be assured if substantial financial resources are provided by the University. Chairs, Deans and University administration shall support faculty during the semester in which a course is being made accessible by providing resources in the form of student assistants, assigned time, and/or realignment of the faculty member's service responsibilities." The Senate voted and AS 1385 was approved as amended with 3 Nays and no Abstentions.

Senator Kaufman presented *AS 1390*, *Policy Recommendation*, *Mandatory First-Year Experience (FYE) Course to Supersede S04-2 (First Reading)*. Senator Kaufman said, "This is a first reading of a policy resolution that was brought to C&R. The idea is to institute a mandatory first-year experience course for all incoming true freshmen. Each of those freshmen would have to take a course during their first semester here that satisfies one of the five core GE areas, and at the same time that course would satisfy the requirements of first-year experience. If you look in the guidelines on the 2nd page, you'll see what the learning outcomes envision for the first-year experience courses. I summarized what some of the five learning objectives are for the student, such as why am I here? How do I get through? What is my plan for doing so? How do I find my way around? And, it is good to

interact with people."

Questions:

Senator Backer asked, "Why is this restricted to just general education courses? There are many courses that exist for the major that could also serve as first-year experience courses." Debra David (Associate Dean for the First-Year Experience Program) said, "Let me clarify why the decision was made not to include courses in the major. Research on first-year experience seminars has compared courses that emphasize disciplinary content and courses that emphasize the learning objectives here, specifically around academic success. They find that courses that are discipline-specific do not have the same positive impact." Senator Backer said, "In the College of Engineering, we have an introductory course for Engineering students that has a higher retention rate than MUSE or Science courses. At least for us, that is not true. My second question is that it says on the resolution that there is no financial impact, and that there are only 20 students in the class. What is your take on that?" Senator Kaufman said, "I agree with you on that. Taking into account faculty workload, it is going to have an impact." Senator Backer said, "Why are teaching assistants not allowed toalz, "W

Senator Wei said, "We probably don't want to dictate how each department or college accomplishes the objectives here. I just have to emphasize that in order to do a good job this will require lots of resources and a sense of ownership."

Senator Meldal said, "Would the committee consider unlinking this from the general education disciplines and have broader learning objectives as the criteria for approval of first-year experience?" Senator Kaufman said, "This is a first reading and the committee will consider anything."

Senator Peter said, "Among those things to consider are the place of American Institutions requirements which are not technically general education, and might or might not fit this rubric. The other question again is resources. When I mentioned this to my department chair, this was his first concern. The question is what kind of incentives or mechanisms will be in place to reward departments that offer the multiple twenty-student sections that will be required to make this happen? Also, I believe there are substantial resources to do that now with the existing programming and the departments would willingly teach the multiple twenty-student sections if the rewards were there. The rewards are critical to making this work." AVP Cooper said, "Just a quick response to the resource issue. As some of you may remember when first-year courses started there were extra funds added. The way it was funded this year is the average cost per FTES for the whole university, so a twenty person class has 1.7 FTES, and the average funding per FTES to the colleges is about \$3,800, so it is revenue neutral with respect to FTES cost across the whole university. In regard to the question about the American Institutions classes, the concern was that the American Institutions classes are mostly joined with the Social Sciences general education areas. However, there are a couple that are not, and that is an interesting idea. The concern was that there are too many learning objectives already, and to add any additional ones would be really challenging."

Senator Maldonado-Colon said, "I am thinking that when we have so many unfunded mandates, we might need some data as to who it is that takes the MUSE courses. Are these students that are already successful? Could we get data on this?" AVP Cooper said, "We looked at both ethnicity and the need for remediation. Initially it appeared that the FYE classes were more effective for those students that needed remediation than those that did not. I would argue that that effect seems to be washing out somewhat. I'm not sure it is more effective for the students at risk than for other students, but it is at least as effective for students at risk as for other students."

Senator Hebert said, "Can transfer students enroll in these courses?" Senator Kaufman said, "No."

Senator Kaufman presented *AS 1391, Policy Recommendation, Policy for Protection of Human Research Subjects, Rescinds F90-4 (First Reading).* Senator Kaufman said, "The original policy this is meant to replace is F90-4, and it has been 18 years since that policy was implemented. It has been almost a year since the IRB Task Force gave us its recommendations for changes to the policy, and I am happy we're able to bring it to the floor today. The policy is about 20 pages long and is attached to the back of the whereas clauses.

I'd like to thank the IRB Task Force that took nearly two years putting together this policy. It has significant changes from F90-4, which is why F90-4 isn't attached for comparison."

Questions:

Senator Bros said, "There is a part of B1 that is underlined that says "but should be registered with the IRB," why is that and how will that information be used?" Senator Kaufman said, "This serves as a reminder that if you involve humans in a study, even under an exempt category, it still needs to be registered." Senator Stacks commented, "The Principal Investigator (PI) may think their work is exempt but the IRB will tell them for sure."

Senator Hebert said, "Exclusion from IRB Review comes up in two places, but we are never told what that means." Senator Kaufman said, "I'm assuming you are under "Protocol Review." Senator Hebert said, "Under the Policy Review." Senator Kaufman said, "This just reiterates the point that Senator Stacks just made that exemption is not the same as exclusion. Even if the research is considered exempt it doesn't mean it can avoid being reviewed. The IRB Panel must deem it exempt." Senator Hebert said, "There is an exemption category, but then we have this exclusion." Senator Kaufman said, "I believe it just means that there is a difference between it being listed as exempt and you being excluded from having to have that verified." Senator Hebert said, "So, would anything be excluded?" Senator Kaufman said, "No, and I think that is the point of the statement which says it may be exempt, but that doesn't mean it is excluded." Senator Hebert said, "Is there a mechanism by which one could carry out research, but not do so under the auspices of SJSU?" Senator Kaufman said, "Yes." Senator Hebert said, "Can you give me some examples?" Senator Kaufman said, "If the research had approval from another IRB at another university." Senator Stacks said, "There is one section that says if you do this outside of your role as an SJSU faculty member, then you don't have to go through the review process. However, you have to make it clear that you are not doing the research as a faculty member of SJSU."

Senator Peter said, "Can you summarize the improvements that this policy is designed to create for faculty? Is it designed to expedite the approval process, or to reduce the need for the current regime to go through the paperwork, etc.?" Senator Kaufman said, "When the task force issued recommendations they issued this policy and procedural recommendations. The procedural recommendations included streamlining the process so that when you register something that is exempt you get a response in a promised amount of time. The previous policy said nothing about that. Many of these things are already in place or going in place as we speak. From a policy point of view, this is a much clearer document for figuring out what you need to do, who you need to speak to, and what the timelines are."

Senator Stacks said, "It turns out that there are some specific issues that have come up that weren't addressed in the previous policy. One issue dealt with membership and trying to create subcommittees of the IRB. By doing so, it was to create cohorts of people that had more parallel training and interests. This was trying to get at some of the training issues around the IRB, but it doesn't change any of the operational things. Another issue was

giving a little more clarity to a PI that took issue with the results of say an expedited or full review and states what they can do in terms of coming back to the committee. I believe there was another task force recommendation with regard to the policy. In the past, our policy tried to identify what research was. Rather than doing that the IRB Task Force recommended that we use the federal guidelines. There are also some interpretations with regard to children. Children are usually a protected category so they could never be in the exempt category. There is one situation whereby you can do exempt work with children, as long as it is sort of normally defined educational activity and it is not going to be identified in terms of any individuals. Lastly, there are issues around agencies. If agencies are asking for some review of their procedures and it is only going to be internal to that agency that can be exempt work, whereas before it was expedited. The situation where that still wouldn't be the case is if you had a Social Work student and they were going to use that type of analysis in their thesis. Then it would still have to be expedited."

Senator Hebert said, "A few years ago I was teaching a methods course, and I designed a study where my students would observe who walked out of a building and talked on a phone first by ethnicity. My question is would this require a review by IRB?" Senator Kaufman said, "Yes." Senator Hebert said, "I would argue that human subjects are not involved. If you look at the scope of the policy it says, "although an activity may be considered research, it may not involve human subjects... When observed behavior takes place in a public arena or a hotel and is observed as aggregate behavior in such a way as to preclude in post facto identification of individuals." Nothing my students recorded would allow the identification of any individual. Therefore, this experiment did not involve human subjects. I think this needs to be cleared up so we all know what to do." Senator Kaufman said, "I see your point."

E. Organization and Government Committee (O&G) — Senator Backer presented *AS 1383*, *Policy Recommendation*, *Campus Planning Board* (*Final Reading*). The Senate voted and AS 1383 passed with no Nays or Abstentions.

Senator Backer presented AS 1389, Policy Recommendation, Revision to By-Law 13, Representative, Academic Senate, CSU (First Reading). Senator Backer said, "This policy

Senator Van Selst said, "In 13.1.4 for the temporary vacancy it says that if the CSU Senator will be unable to perform his or her duties for a period of one semester or less, the Vice Chair of the Senate will serve as the CSU Statewide Senator. However, if the Vice Chair is unable to do it, then the Chair of the Senate may designate any elected member of the current SJSU Academic Senate to act as the temporary CSU Senator. Can you clarify who the elected members of the Senate are?" Senator Norton said, "That would be the elected faculty members, and excludes students." Senator Backer said, "I will check that in the handbook."

Senator Meldal said, "In 13.1.5.a. it says if the CSU Statewide Senator will be absent or unable to perform the duties, wouldn't it be sufficient to say unable to perform the duties?" Senator Backer said, "No, we talked about this and felt unable to perform duties might mean due to illness, whereas absent from the SJSU campus could mean being on sabbatical for one year." Senator McClory said, "The reason we worded it this way is that if someone is absent from the campus then they are not in touch with the needs of the campus and they are supposed to be representing the campus."

Senator Bros said, "In section 13.1.5.b. it talks about a special election, who would be responsible for conducting that election?" Senator Backer said, "The Senate just like any other special election."

Senator Buzanski made a motion to make this a final reading. Senator Norton said, "It can't be a final reading, because it is a by-law amendment."

Senator Van Selst said, "For other committee members the standard for being deemed vacant is missing two or more meetings in a row and then it is up to the Chair of the committee, was there any thought by the committee of having this say missing two or more meetings?" Senator Backer said, "No, we didn't consider that."

VII. Special Committee Reports -

A. Faculty Diversity Report by AVP Joan Merdinger, Faculty Affairs (Note: the following report was provided by AVP Joan Merdinger for inclusion with the minutes and is not taken directly from the recording of the Senate meeting.)

Diversity Presentation to the Academic Senate May 5, 2008

Thank you for the invitation to speak to the members of the Academic Senate today. President Kassing, Provost Sigler, Vice Presidents Lee and Najjar, Chair of the Academic Senate Lessow-Hurley, Senators, and members of the SJSU community.

The Office of Faculty Affairs is asked annually to provide an update on faculty hiring and retention, particularly with regard to the commitment of the University to recruit and maintain a diverse community of faculty members. Our focus today is on recent hiring and retention data for tenure-track faculty; as you know, significant resources are

expended to recruit, appoint and retain these new tenure line faculty members who are likely to spend much if not all of their careers on our campus.

all tenured and tenure-track faculty, our rate at SJSU was 1.7%, significantly lower than the CSU average. Retention rates for 2nd and 4th year tenure-track faculty in AY 2006-2007 was 97%.

Annually we also look at the total number of tenured and tenure-track faculty over now a 15 year time span. You can see from the table that since 1992-1993 we have lost a significant number of tenured and tenure-track faculty. Note that the biggest losses occur at the time of a "Golden Handshake." We had one such "Handshake" in October of 1993 and again in July of 2004. Following those downturns, we hired 10 faculty in 1993-1994, and 19 in 2004-2005.

Another important data point: our Office ran a report in the Summer of 2007 to find out how many of our faculty members were eligible for FERP, the Faculty Early Retirement Program. To be eligible for entry into the FERP program a faculty member must be tenured and 55 years of age or older; 42% of our faculty were eligible. We have a disproportionately older population of faculty making it even more imperative that we hire more tenure-track faculty to replace the upcoming large number of retirements. An aside here is that almost $1/3^{rd}$ of all graduates of doctoral programs are non-US citizens, and hiring such candidates is important if we are to achieve another of our goals, that of truly internationalizing our curriculum.

In summary, at SJSU we have made progress towards creating more gender, ethnic and racial diversity; our progress is more visible with respect to gender. We appear to be plateauing now and at the point of exploring more options.

We need to begin with programs that can be helpful to our commitment to hiring & retaining a diverse community of faculty. Our undergraduate and graduate programs give us access to the next generation of teachers and scholars, therefore, we need to recruit students to and to expand the McNair Scholars Program and to continue to expand our student pipeline to doctoral education with our current programs such as the Alliance for Minority Participation scholarships, the Minority Access to Research Careers (MARC) and the Minority Biomedical Research Support (MBRS). We need to offer graduate assistantships and TA opportunities to our SJSU students to capture their interest in our profession as professors and researchers; that means developing those students' interest in doctoral and terminal degree study. In addition, we have excellent lecturer faculty members who are interested in applying for tenure-track positions. These faculty can make use of the CSU Forgivable Loan Program for doctoral study allowing them to return to tenure-8 243 479.88that can

who are underrepresented and who are non US citizens to explore issues regarding retention and work-life balance. This initiative is in collaboration with the Campus Climate Committee.

There are both challenges and opportunities ahead. Do you have any questions for me?

Questions:

Gay/Lesbian/Bisexual/Transgender community that we do not address, because we leave it absent. We are a sizable number of people on this campus."

Senator Bridgeman said, "I noticed that the percentage of African-American faculty is the lowest that it has been in the last 15 years, is there a reason for that? Also, could there be changes in the recruitment process to recruit not just from the west coast but from the east coast and the south?" AVP Merdinger said, "The Ace/Sloan Award gives a little bit of extra money to address some of those concerns."

Senator Wei said, "Forty-two percent of our faculty are going to retire in the next 10 years, and we have difficulty attracting faculty due to our workload and high cost of living. I wonder if in strategic planning our leadership has looked into this issue, because the faculty are the core of the university."

Senator Rickford said, "I'd like to reiterate everything President Kassing said. The data shows that from 2002-2003 to 2007-2008, we went from 30 to 22 African-American, and from 47 to 42 Hispanic/Mexican-American faculty. I think it is incumbent upon us to ensure that we support and retain these minority faculty members. My question to you is, is it a result of retirement or FERP that has led to this steep decline?" AVP Merdinger said, "One of the things that accounts for the drop of all faculty members around that time is the 2004-2005 Golden Handshake which accounted for the loss of 32 people. We've also had some acceleration of FERP during times of bargaining. This accounts for a big drop on two different occasions."

B. Goals Advisory Committee Rigk Dr.or

Questions:

time has been very well received and very powerful. In terms of CSU activities, the Access to Excellence implementation plan will take up most of the summer. A newsletter was just published that gives you more incremental updates. Next Thursday and Friday are the last meeting of this year's CSU Statewide Senate and the first meeting of next year's CSU Statewide Senate. Other than that there has been a lot of angst over the Lower Division Transfer Project and again we will be looking at a lot of work on that."

D. Provost -

Provost Sigler said, "It gives me great pleasure to announce that we have hired a new Dean for the College of Business. He brings impressive credentials and wide experience. In my conversations with him, I was very impressed. The faculty that attended the forums were also very much in support of his candidacy. Two other items that are related to the conversations we