

2008/2009 Academic Senate

MINUTES
March 16, 2009

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

Present: Parrish, Merdinger, Stacks,
Meyers

Students:

Present: Cerda
Absent: Hypes, Palumbo, Levy,
Lichty, Linder

Alumni Representative:

Absent: No representative assigned
yet.

Emeritus Representative:

Present: Gleixner, Du, Backer

H&A Representatives:

Present: Desalvo, Brown, Mok, Vanniarajan, Van Hooff
Absent: Butler

SCI Representatives:

Present: McClory, Kaufman, d'Alarcao, Hilliard, McGee

II. Approval of Academic Senate Minutes of February 16, 2009–

SOS Representatives:

Present: Von Till, Lee, Heiden, Hebert
A motion was made to approve the minutes. The motion was seconded. The Senate voted and the minutes were approved with 3 abstentions.

III. Communications and Questions –

A. From the Chair of the Senate:

Chair Meldal announced that the Executive Committee had discussed the issue of civility in non-instructional campus settings. President Whitmore will discuss this further during his remarks.

Chair Meldal noted that it was interesting during his recent trip to see how technology from Silicon Valley California works in very technologically-challenged countries.

B. From the President of the University –

President Whitmore made the following announcements:

During the President's recent trip to Washington D.C., there was some good news about the

B. Curriculum and Research Committee (C&R):

Senator Von Till presented *AS 1408, Sense of the Senate Resolution, In Support of the GE*

Task Force Report (file:///C:/Users/vontill/Desktop/Task Force Report/AS 1408 Task Force Report.pdf) (Task Force Report, at In Senate

seems the most meaningful to them. The second piece is to attach the timing of this to program planning, because it seemed like every year or two major reports were due. Our thinking was that since these are electronically filed and archived in Undergraduate Studies, the department could just staple them all together with the reflective piece attached and that would be the department's report. The third piece was to address the issue of decertification.

University Planning Council (UPC), the Resource Review Board (RRB), and an email was sent to all Senators asking for your input. Our intent was to get widespread input to this before we brought it to the Senate. In a nutshell, what it does is eliminate about 20 committees, including all the panels under the UPC, the Goals Advisory Council (GAC), and the RRB. It replaces these committees with two new committees. The Strategic Planning Board (SPB) is probably closest to the existing GAC in function. Not the same, but as close as possible. This would take effect with our goals for 2015. The SPB would work with the President to set the goals. The goals are restricted to not more than 5 goals instead of the 30 or more we have now. Once the goals are accepted, the President can setup teams or assign it to a particular lead, such as one of the AVPs. The point is to make it nimble, quick, and flexible. Then it goes to another new agency, the Strategic Planning Assessment Agency (SPAA). The SPAA is a separate group that is going to assess the progress of the campus towards the goals. It will lag behind the SPB although the President can start it earlier if he wants to do so. There will not be duplication of membership on the two committees.”

Questions:

likely to continue to receive priority registration?” Senator McClory responded, “This came from the Student Success Committee. What the Student Success Committee has been struggling with is that this is not a priority for everybody else. There are a page and a half worth of groups that are receiving priority registration. We have been approving and denying applications that have come to the Student Success Committee, but we have been following some of our own guidelines because the policy is very vague. What we wanted to do was rewrite the policy so that the criteria was a little bit clearer to those applying for priority registration. The next step is for us is to create a new policy to come to the Senate in the Fall.”

Senator Hebert asked, “What is the purpose of the 2nd resolved clause?” Senator McClory said, “We’ve asked all groups that currently have priority registration to resubmit their documentation, because they have never been evaluated and current Senate policy requires them to be evaluated.” Senator Hebert asked, “Can you run that by me again?” Senator McClory said, “This will allow the groups to see the new policy and determine if they meet the criteria, and it will also allow the committee to see if the group still fits.”

Senator Kaufman asked, “Is this really a policy? I ask that because I’m looking at what it says. It says that if you have priority registration you will continue to have priority registration. If there is a new policy you will have to reapply for that policy, where is the policy?” Senator Sivertsen said, “The hope is the appropriate committee will write the policy early in the Fall to present to the Senate, so that all the groups currently receiving priority registration will have to reapply.” Senator McClory said, “Let me try and answer your question by giving you a little history of why this happened. The Student Success Committee decided to take reapplications from all groups that currently had priority registration. As we were reading them, we decided the policy needed to be defined better. However, we now had all these reapplications, so what we decided to do was to leave everyone alone for now and rewrite the policy in the Fall. It also has the provision that we are not taking any new applications until we see what the new policy looks like.” Senator Backer said, “I agree with Senator Kaufman that there is no policy here. To say that what exists will remain the same is what is going to happen unless you change the policy. I would prefer to have this when the policy actually comes. The only thing this policy is resolving is the Student Success Committee will not accept any new applications. This doesn’t make sense for a policy. Why not wait until the policy is written?” Senator McClory said, “Because, the mechanism was already in place to reevaluate the groups. We don’t want to reevaluate them with the current policy. We want to leave them alone until the new policy is written.” Senator Kaufman said, “Isn’t the timeline for when these applications are reviewed a matter of procedure for the Student Success Committee and not a matter of policy?” Senator McClory said, “It is in the policy that they be reviewed every 5 years so when we read that, we pulled them all in and now they are waiting for a response.” Senator Kaufman said, “Can’t your review simply extend until a new policy exists?” Chair Meldal said, “We seem to be moving into debate, and we can wait until the next meeting for that.”

Senator Van Selst said, “I do think there is policy here. The policy is that nobody new can get priority registration. That actually is a policy decision. I think we can trust the committee to do that themselves, unless the existing policy forces them to review. In

deemed to have ineligible players have lost their wins, and they issued show cause penalty for former staff members because of major violations in athletic programs. The case involved academic fraud affecting more than 60 student athletes in 10 sports as well as impermissible benefits and unethical conduct by 3 former athletic support services staff members, and a failure to monitor by the university. That is that institutional control we talked about. Interestingly enough, our former senior woman administrator, Kelly Elliott, was hired by Florida State as part of their attempt to wipe out this problem. She will do a magnificent job I know. These are the types of things you worry about. I am happy to say we do not have a problem anywhere near to this. Our FAR is designed to help the student athletes in as many ways as possible, and also to be a representative to you. I wear a lot of hats, and sit on a lot of committees. One of the things we did in May 2005, was to accept the Coalition of Intercollegiate Athletics (COIA). One of the things that COIA was pushing, and still does, is the governance aspect-an open governance system. It was suggested that the FAR be part of the Senate and I am, I also sit on the Athletics Board, and the Academic Affairs Final Admission Committee.

I just got a message from the NCAA that said they will be the one to distribute the information on Athletics from 2007/2008. In April they release the information on the teams in the top 10%, I believe we may have a team on that list. On May 6th they will provide us with all the information, including the APR scores. We can't give you this year's data, but I will present it to you in the Fall. We have very good news about it, but have been sworn to secrecy until after May 7th."

Senator Campsey introduced Eileen Daley. Eileen said, "I am honored to be here. I am the Assistant Athletic Director for Academics. My job is solely focused on bringing academics into Athletics, and for making our student athletes accountable and responsible for getting a college education while they are here at San José State. I work with about 500 student athletes. We have increased aware and support. We have held coaches and students responsible for their successful academics. We also want to point out that we have been mandated by the NCAA to really reach these numbers.

The NCAA instituted the APR back in 2003/2004. The purpose is to ensure the NCAA Division I membership is dedicated to providing student athletes with an exemplary educational and intercollegiate athletics experience in an environment that recognizes and supports the premises of the academic mission of its member institutions while enhancing the ability of student athletes to earn a 4-year degree. What this means is we will no longer exploit our student athletes. We will be holding our student athletes accountable for earning a degree while they are here at San José State University.

What is the APR? It is the Academic Progress Rate. You may ask why the APR? Why doesn't the NCAA use federal graduation rates any longer? The reason is because it is not accurate data in terms of an annual basis. The APR is done on an annual basis. We are looking at last year's data right now. Each student athlete earns a retention and eligibility point. The eligibility point means that student athlete has met all the standards put forth from the NCAA. What that would mean for a first-time freshman is that they need to pass 24 units counting towards eligibility, which means counting towards

graduation. Remedial units are only counted up to 6 units. For the second year of college, student athletes need to have completed 40% of the units toward their degree plus have the additional 24 units counting towards eligibility. In their third year, the student athlete needs to have completed 60% of the units toward their degree, and in the fourth year they must have completed 80%. As you can see they are making requirements gearing up towards graduation.

Let's do a hypothetical team APR. We will use womens softball. We had 20 student athletes on scholarship. Each person gets 2 points, one for eligibility and one for retention. For each semester that team would earn 40 points towards the APR. For the academic year, that would be 80 points. Let's assume we had 3 student athletes that left San José State and didn't have an extenuating circumstance of any kind. Therefore, we lost 3 APR points, so that gives us 77 points and then we divide 77 by 80, so that APR would be at 963. We also have what I call bonus points, and they are delayed graduation points. If we have an individual that leaves the institution and lost us a point, we can recoup a point the year they graduate. I have been hunting these athletes down over the last year.

We also have APR adjustments. We did have a student athlete that was diagnosed with Schizophrenia that left the institution and was hospitalized. If I have any kind of medical documentation, I can recoup an adjustment for that student athlete. We also track these.

The benchmark numbers are 925. You will hear that a lot in the athletic realm. Although we track our teams annually, we are penalized based on the 4-year multi-year average. If we have a team with a multi-year average of 925 they are out of the woods. That means a 925 for each of the previous 4 years. If they have a rough year, but remain above the 925 for the multi-year they are out of the woods.

In 2003/2004 and 2004/2005, we had a few teams whose multi-year was not at 900, and we had progressed into historical penalties. We did have 4 teams last year that got themselves out of trouble. One team had a perfect 1000, a men's team. Another men's team had a 980. I can't say who they are, but you may be able to guess.

So, what does the 925 mean? It means 92.5% of our student athletes are eligible, and they are staying here at San José State. It also means that we are graduating roughly between 50 to 60% of our student athletes. For us that is not high enough. We are reaching for much higher numbers. We know we can graduate more than 50 to 60% of our athletes.

I can tell you today, that as an institution you will be extremely proud to be a Spartan when you see the 2007-2008 numbers. We are very honored. I wish I could tell you what these numbers are, but we can't release that information yet. However, you will be extremely proud when you see those numbers in the San José Mercury News, and they will be highlighting them.

Looking at the penalties, the contemporaneous penalties are financial penalties, or scholarships lost. The easiest way to explain it is an eye for an eye. If we have a team that does not reach a 925 multi-year, and they have a student athlete who left San José State ineligible, we would call that a 0 for 2. They got 0 points and there were 2 points possible. That team will lose one full scholarship.

Historical penalties occasion one are going to be public notice. And, they really like to highlight how poorly you are doing on a national basis. When they say public warning, they really mean it. That is in addition to the contemporaneous penalties. That is for a team not reaching the 900 multi-year.

Going into the next year would be occasion two with the team still not meeting the 900 multi-year. That penalty would include loss of practice time, additional contemporaneous penalties, and public notice.

Occasion three would include loss of post-season competition. For a football team, that would be no bowl game. For any other team, that would be no WAC Championships, etc.

Occasion four would be potential loss of the program. This year when the information is released in May, you are going to see some institutions that hit occasion three. I'm sure the.15 bb/n1enauld 1r3sawJ0.0005 Tc 0.2995 Twse(o)1(r insom)JTJNCbe no Woon three. I'm sure

for freshmen. We actually knew we had an impaction problem a year ago, so we front-loaded most of our recruits to apply on time. Right now we are okay in terms of impaction.”

Senator Campsey commented, “I just wanted to report to you that Christine Halsey, who is the Assistant Athletic Director for Compliance, and I went to Reno, Nevada for the Compliance Director and FAR meeting. This is the one time during the year that all the FARs and Compliance Directors meet together. The good news is that we have no major penalties whatsoever in terms of compliance. There were some minimal problems we had, but the WAC Director of Compliance indicates that if you have no secondary violations, somebody isn’t doing their job. The other thing I wanted to tell you about that meeting is that we met in the 4th floor of the Joe Crowley Student Union at the University of Nevada. It really is a pleasure that they made the effort to name that student union after him. One last thing, if you do have a problem with a student athlete contact me or Eileen. We are trying not to have the coaches contact the faculty directly. I can guarantee you that the problems will be taken care of and not pushed under the rug. We removed a student athlete from the football team for improper behavior. I would be happy to work with any of your faculty members on any issue that comes up.”

B. Open Access Task Force Report:

Celia Bakke, Librarian, introduced Associate Professor Joel West from the College of Business [they are co-chairs of the task force] and thanked the Senate for including them on the agenda for today’s report.

Ms. Bakke said, “It was almost a year ago that the Senate approved the creation of the task force to investigate the issue of open access for San José State. We have prepared a brief statement for you about our progress.

There was some delay in appointing the members of the task force from the colleges, so we did not have our first meeting until November 2008.”

Professor West commented, “I had the honor of being elected as co-chair of the task force with Celia. Celia and I spent a lot of time in January talking about the issues facing the task force. One of the issues we faced is that there are a lot of issues here about IP and the relationship of journals to scholarship and business laws for journals that we weren’t sure all our task force members would understand, so what we decided to do was have a couple of meetings in January devoted to making sure all the members understood the issues and felt that they could fully participate.

We had a meeting in February where we went over 7 issues that are relevant to faculty members. Some of these issues are already being handled by the Library, such as institutional repository and archiving digital access. We identified a few possible areas, but what we thought might be the most valuable thing to do was bring in Heather Joseph, Executive Director of a subgroup with the Association of Research Libraries. We felt

In the task force meeting last Friday, we asked the task force members to look at what the issues are, what our role is, what do we want to do, and who wants to do what. What we came up with was 3 different subcommittees. One of the subcommittees is looking at the question of author rights—the ability of faculty members to be able to retain the rights to their work so they can distribute their works on their website, on the repository, and they can use it in the classroom. People automatically assume that they have these rights and that is not necessarily true, it varies by publisher. A number of other universities, notably Harvard, have developed policies where they recommend or ask that their faculty retain certain rights so that the university in either its teaching or research mission can disseminate their work. The second issue that we have always felt was important is that these open access journals are new and uncertain. If faculty members publish in them there could be a question as to how they should be treated in terms of tenure and promotion. We would like to develop some policies to guide those candidates and tenure committees on how they should be evaluated compared to other more established journals. We can't really tell people what to do. All we can do is document best practices at other universities.

Finally, the committee members identified a third area they felt very strongly about. They felt we should have an outreach function. Dean Karl Toepfer is one of the most active members of that subcommittee. The idea is that we want to talk to faculty to find out how much they know about these issues, and what they care about on these issues.

Heather Joseph is very active in lobbying for author's rights. There are several sites that provide examples of addendums for authors that they can send to publishers when they are signing a contract." Professor West commented, "In some journals for some publishers authors have pushed back so much that the publishers

“In the case of someone that was eligible in the first pool but did not apply, can they still apply this year? Senator Merdinger replied, “I just checked on it this morning. The answer is no, they are not eligible.

X. Adjournment – The meeting adjourned at 4:15 p.m.