

**Engineering 285/287  
Academic Senate**

**SAN JOSE STATE UNIVERSITY**

**2 p.m. – 5 p.m.**

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**2010/2011 Academic Senate**

**MINUTES  
March 14, 2011**



AVC McClory informed the Senate that the results of the 2011-2012 Senate General Elections were included in their Senate packet. The College of Business is the only college currently conducting an election. The college has two seats and three candidates. There are also two vacant seats remaining in the College of Humanities and the Arts. College seats that remain vacant after the general elections are filled by the Executive Committee with faculty from that constituency infor.6(e)-.6s12 Tc-.0thatTjeyens06(5)T671925A.00fEDITgBw

Our current smoking policy, S03-6, was approved by President Caret in May 2003. This policy restricts smoking and ashtrays within 25 feet of any building or window. AS 1454 would completely ban smoking on campus.

**Questions:**

Senator Sabalius commented that the current policy is more restrictive than the CSU required, and inquired as to why is a new policy was necessary. Senator Heiden responded that part of the problem was that nobody knows where 25 feet ends, and the policy is being violated across campus. Senator Sabalius responded that it appeared that the policy itself was not faulty, but that there was a lack of enforcement and asked, "What makes you think this new policy could be more effectively enforced?" Senator Heiden responded that there had been "no power behind the enforcement in the previous policy." AS 1454 does implement enforcement measures. Senator Heiden used SFSU as an example. SFSU fines people \$58 for smoking in prohibited areas. SFSU's campus police, as well as the parking personnel, have authority to issue citations. SFSU also puts a hold on students that do not pay their citations. Senator Heiden suggested that this policy would be much clearer, because no one would be guessing where 25 feet ended because smoking would be banned.

Senator Rose Lee commented that the current policy states that this will be a misdemeanor offense, but that she did not think the intent of the policy was to put a criminal offense on a

Senator Nellen was told by the Human Resources Personnel Director, prior to our current director, that Human Resources was writing up personnel violations that were being used in employees' performance evaluations when employees violated the current smoking policy.

Senator Nellen asked if the Executive Committee had considered whether patrolling the campus for smokers was a good use of UPD's limited time and resources. Senator Heiden responded that the Executive Committee wanted a positive approach and noted that this was not about punishing smokers, but protecting the health of faculty, staff, and students from second-hand smoke. Senator Heiden indicated that there would be a campaign blitz and an educational effort to educate smokers on the resources available to help them quit smoking. Senator Nellen inquired if this educational effort would include informing them that a citation would result in a misdemeanor on their criminal record. Senator Heiden responded that this had been changed, and a citation would not put a misdemeanor offense on a smoker's criminal record. There would be a citation with a fine, but no criminal record. Senator Nellen noted that giving smokers a citation and a fine were not typical of campus educational learning experiences.

Senator Sabalius commented that when the university passed the current smoking policy, all of the faculty, staff, and students were surveyed. The majority of voters wanted tougher restrictions, but only a very small group wanted a smoke-free campus. Senator Sabalius asked why the Executive Committee refused to "heed the will of the majority?" Senator Heiden said she will be sending out a new survey. Senator Sabalius asked why the resolution was brought to the Senate before the new survey was even done. Senator Heiden responded that this was just a first reading.

Senator Miller noted that we have a new policy that requires freshmen to live in housing on campus. If the Senate passes this policy, we will not only be forcing students to live on campus, but we will be telling them they can't smoke where they live. Senator Heiden responded that students cannot smoke in housing right now anyway. Senator Van Selst commented, "Yes, but now we aren't giving them an option of where to live." Senator Heiden commented that in her opinion, "this wouldn't be a lot different from what they are living with now, since they're not allowed to smoke in housing."

Senator Heiden stated, "The point is that smokers are a minority, and secondhand smoke is a health risk that has been extremely well established. I think as a campus, we do have to make a decision. That is going to be something that isn't going to be made by me, or one or two, or five people. As a campus, we have to make a decision about what policy is the one that promotes the health of our students, and what makes the best sense for our campus."

Senator Parrish suggested the committee consider changing, "Smoke-free smoking" to "Smoke-free campus" under the signs section.

Senator Van Selst asked if this policy would mean that if we lease a building that includes a smoking area, employees would be prohibited from smoking there. For example, will

people be able to smoke at fundraising events at the President's house, or events at the Event Center. Senator Van Selst further noted that it appeared to him that the UPD had to "ask nicely" for someone to leave before they could issue a citation. Senator Rose Lee responded that UPD is not in charge of off-site leased property or the President's house. These areas would fall under the city police. Senator Lee encouraged the committee to specify exceptions in the policy.

Senator Buzanski noted that SFSU has designated smoking areas, whereas this smoking policy would completely prohibit smoking on campus. Senator Buzanski expressed concern that although smokers are a minority among employees on campus, they would not be able to smoke for 8 hours every day. Senator Buzanski asked, "What are these employees supposed to do?"

Senator Heiden responded, "If you change the environment to one where smoking is prohibited, then there is less smoking overall and a substantial health improvement in smokers." Senator Heiden further noted that smokers fly to Europe all the time and go up to 15 hours on a plane without smoking, and that they would find a way to deal with it. Senator Heiden noted that she recognized the difficulty of the addiction, but felt that the campus had an obligation to support healthy practices when it impacted students and employees. Senator Heiden noted that the Executive Committee discussed designated smoking areas, but decided to move the resolution forward as a complete ban on smoking.

Senator Peter suggested that the Executive Committee get the results from the 2003 smoking survey and bring those results, as well as the results of the new survey, back to the Senate for comparison. Senator Heiden responded that she would love to see the results of the 2003 survey, but had been unable to obtain them. Senator Peter noted that the Senate minutes from 2003 showed that the current policy was a compromise between what the survey respondents wanted, and the existing policy at the time.

Senator Peck suggested that if the policy passed, we should inform potential employees that this is a smoke-free campus during recruitment.

Senator Khan commented that the university just installed new ashtrays across campus about a week ago, and now we are talking about additional expenditures for new signage at a time when the budget is severely diminished. Senator Khan further noted that forcing employees to go a long distance to smoke would take additional time out of the workday, and pointed out that employees had already had their hours reduced with the budget cuts and furloughs last year, and that she felt students would bear the cost of implementing this policy.

Senator Sabalius commented that he "abhorred resolutions that legislated behavior that shouldn't be legislated," and said that he hated it even more when "the righteous majority dictated to the minority what it should do." Senator Sabalius further noted that he found it very phony to ask for voluntary compliance and to say that "the courtesy, sensitivity, and cooperation of all members of the campus community is expected." Senator Sabalius asked, "Where is the sensitivity and courtesy for the people that are addicted to smoking

and do it also in the middle of winter, or when it is pouring down rain?” Senator Sabalius further commented that he feared Senator Khan was right that not only would faculty not be in their offices more often, but students would be coming to class late as well.

Senator Sabalius noted that while it is an addiction, in the past the campus has helped people with their problems and disabilities, and not tried to ostracize them. This policy recommendation ostracizes smokers, and it pushes them literally and physically away from the campus.

Senator Sabalius commented that if the issue was really about health, then he found it very disingenuous to pass a policy banning smoking on campus, while we still allow the consumption of alcohol. Senator Heiden responded that she felt these were separate issues. Senator Sabalius commented that Senator Heiden had indicated that this was about health issues on campus. Senator Heiden responded that she thought they were both issues on campus, but that she thought they should be dealt with separately.

Senator Nellen asked if the Executive Committee had considered whether this policy recommendation conflicted with university policy, S01-13. S01-13 declared SJSU “as an open and inviting campus where all are welcome.” Senator Nellen further commented that she did not believe we could ask someone if they smoked when we hired them. Senator Heiden responded, “How open and inviting is it for someone to walk through secondhand smoke.” Senator Nellen responded that she was not aware of a serious problem with secondhand smoke on campus. Senator Heiden stated that she believed there was a serious problem, and said that she could not walk out of her office “without being in a cloud of secondhand smoke.” Senator Nellen suggested that what was really needed was for the existing policy to be enforced. Senator Heiden responded that modifying the existing policy to allow for better enforcement was one of the possibilities that the committee could consider.

Senator Heiden commented that she had seen a number of people die from lung cancer while working at a hospital. Senator Nellen pointed out that if the committee was really talking about health issues resulting from practices on campus that could potentially cause illness, then we needed to prohibit the sale of most of the food items sold in the student union food court. Senator Heiden responded that these were separate issues, and that someone eating something unhealthy did not affect her health like secondhand smoke did.

**V. Unfinished Business - None**

**VI. Policy Committee and University Library Board Action Items. In rotation.**

**A. Curriculum and Research Committee (C&R) –**

Senator Heiden presented *AS 1451, Sense of the Senate Resolution, Support for Research, Scholarship, and Creative Activity (RSCA) (First Reading)*.

## Questions:

Senator Van Selst asked for an explanation as to what the problems were with the current travel policy. Senator d'Alarcao responded that travel currently requires approval at relatively high levels. International travel requires Provost Office approval, and other travel requires at least Dean's Office approval. According to Senator d'Alarcao, "This is not a common practice at other universities and has a chilling effect on RSCA."

Senator d'Alarcao clarified that with these recommended changes, the travel request would be authorized by the faculty member's direct supervisor, and the person that has budgetary responsibility for the account paying for the travel. Provost Selter clarified that it is this campus' policy, and also a mandate from the Chancellor, that you cannot go on any international travel using state funds. The President has to sign off on all international travel to monitor that. The Provost clarified that travel requests don't stop in his office, but are forwarded on to the President's Office. The Provost would like to see the process changed so that once it has been verified that travel funds are coming from the research foundation, for example, the travel claim can then be sent directly to the foundation. Provost Selter has recently been in discussions with the Foundation about this.

Senator Frazier asked, "What consideration was given to including lecturers in this policy?" Senator d'Alarcao responded that the committee had discussed that at great length, but decided not to address the WTU issue for lecturers, since contracts varied widely. Senator Frazier asked what assurance lecturers had that teaching and instruction would not be "negatively impacted by increased RSCA activities by full-time tenure/tenure-track faculty." Senator Heiden responded, "it is not meant to diminish the role of teaching at all."

Senator Stacks commented, "Part of the issue, in terms of thinking about teaching, is the engagement of students outside of the classroom, and so I think maybe it's a mischaracterization in terms that faculty involved in RSCA, or involving their students, have an additional way to ensure student success. In addition, when a faculty member is released we bring in temporary faculty, so it's not as if the total number of students is not served. It's really what the demographics of our faculty are."

Senator Silber commented that "doing undergraduate or graduate research is part of teaching. It's one-on-one teaching. What the university is trying to do is say it should be part of your teaching load. It's just a different form of teaching. It's saying if you do it, right now it comes out of your hide, but maybe it should count as part of our teaching load."

Senator Kauppila inquired if the terms "newly hired," and "untenured" were meant to mean exactly the same thing, and whether new faculty would be assigned 6 WTUs for the full six or seven years until the final dossier. Senator d'Alarcao responded that that was the intention.

Senator Van Selst asked if the committee would consider, rather than endorsing the specific recommendations and implementing them as soon as possible, waiting for Strategic Planning to resume, and would the committee consider weakening the 2<sup>nd</sup> resolved clause so that it did not limit us to these exact actions. Senator d'Alarcao responded that he didn't want to



“minimize” what Senator Van Selst said and would certainly take it back to the committee, but it was his opinion that endorsing these recommendations was not exclusive, and he felt it would be reasonable for future deliberations to occur about expanding or modifying them. Senator Van Selst replied that he felt there were things in this policy, like the travel procedures, that would be out of date very soon, and were not appropriate for a Sense of the Senate Resolution.

Senator Frazier suggested that the resolution be opened up to include non-tenure as well as tenure/tenure-track faculty.

Senator Silber commented that this was a Sense of the Senate resolution and was not binding.

Senator Stacks commented that “if it is a Sense of the Senate resolution, it is not enforceable. It is meant to be guidelines. It is meant to give a sense of where we are currently.”

Senator Buzanski asked if he was “correct in assuming that if this Sense of the Senate resolution passed it would proscribe some kind of minimum standards that can be expanded in any way in the body, or the administration, or as the enforcement agency sees fit?” Senator d’Alarcao responded that it was the intention of the committee that “this would be a set of guidelines for where we would like to end up with the university, and many of us would be delighted if this were to be expanded upon further.” Senator d’Alarcao asked if he had answered Senator Buzanski’s question. Senator Buzanski said what he thought Senator d’Alarcao had said was that these would be minimum standards. Senator d’Alarcao responded that he thought he had “specifically avoided saying that.”

**B. Organization and Government Committee (O&G) -**

Senator Lin presented *AS 1452, Sense of the Senate Resolution, Support for Proposed Voting Guidelines for Implementation of S06-7 (Final Reading)*. **The Senate voted and AS 1452 passed with 5 Abstentions.**

**C. Instruction and Student Affairs Committee (I&SA) -** No report.

**D. University Library Board (ULB) –** No report.

**E. Professional Standards Committee (PS) –** No report.

**VII. Special Committee Reports –**

Provost Selter presented the Academic Affairs Budget Report. Highlights of the report are as follows:

Provost Selter announced that he would like to start off by giving a little history on the Academic Affairs budget. In 2008-2009, the university achieved an enrollment of approximately 25,000 FTES for California State residents as well as about 1,600 non-resident students, including international students. For 2009-2010 we received a substantial reduction to our base budget and the CSU mandated that we not come in over our assigned California resident target of 22,460 FTES. Our non-resident target was budgeted at 1,239 FTES. This amounted to 23,699 FTES.

This information is important for several reasons. First, we are funded on FTES, and secondly we were told that we would be penalized for going over our enrollment target for 2009-2010. In

To fund the colleges for 2010-11 we determined the actual number and cost of FTES achieved for both tenure/track and temporary faculty in each of the colleges for 2008-2009. These cost/FTES/college for both tenure/tenure-track and temporary faculty were used to determine the funding needed to meet our enrollment target this year. For example, CASA was assigned an enrollment target of 3,712 FTES. With 114.5 tenure/track faculty positions and an SFR of 15.18, the regular faculty was expected to teach 1,738 FTES and the remaining 1,974 FTES were to be taught by temporary faculty at a determined 2009-10 cost of \$2,383/FTES. The remaining colleges were funded accordingly, resulting in total college funding required of \$95.38 million.

College-based units such as Moss Landing Marine Laboratories, the Nuclear Science Facility, etc. were budgeted at \$1.98 million; units within the AAD such as Undergraduate Studies, Institutional Research, etc. (including the Senate) were funded at \$7.15 million; and a Provost Office division-wide reserve was set at \$912,000. In addition, division "one-time" commitments amounting to \$3.18 million were reduced to \$2.9 million but actually were funded at about \$3.6 million. The Provost noted that he knew he was over-allocating, but he did not want to eliminate any of the services that were being funded. The over allocation (\$700,000) would be funded by reducing the reserve by about \$650,000 and assuming that there will be some divisional roll-forward at the end of the year.

In about 2006, the President's Staff decided that lottery money would be included in the university's base budget, so that in Academic Affairs, lottery funding is included in our \$108 million base budget. Although an accounting of lottery funding was requested by some senators, it was too late to do so for the comingled base budget 2009-10 allocations. However, for 2010-11 lottery funds will be accounted for separately even though they remain part of the base budget. For example, the university receives \$2.4 million in lottery funds. Of that \$2.4 million, \$148,594 is charged for university operating expenses, \$1.3 million is allocated to the MLK Library, and the rest is distributed among a number of programs such as the UPC Curriculum Reinvigoration, Diversity, the Helpdesk, LARC, etc.

The Provost explained that he had eliminated Student Success release time from this year's lottery funding, because he had to make a choice to either keep the Student Success release time or fund \$845,000 in sabbaticals. The Provost said that he is going to try and put the Student Success Release time grants back into place next year depending on how severe the budget cuts are.

The Provost further explained that \$114.5 million is needed to bring in a target of 21,266 California resident and 1,239 non-resident FTES. This would leave us with a deficit of \$6.1 million. In other words, if we limit ourselves to only the enrollment we are funded for, we can only bring in 18,398 FTES.

The Provost explained why he would plan a budget that was \$6 million in the red. First, in July 2009, Academic Affairs had a roll-forward from the preceding robust 2008-2009 year of around \$4-\$5 million. This money was set aside and not spent because he knew we would be short this year. Then in February 2010 the AAD was allocated stimulus money of about \$3.1 million to add sections, but it was too late to add sections because spring semester already had started. These funds also were set aside for this year's shortfall.

After paying for encumbrances and commitments for the colleges, the division was left with \$3.7 million, in addition to the \$3.1 million in stimulus funds, amounting to \$6.8 million. These funds are in operating expense dollars. To be used to pay temporary faculty salaries, they have to include benefits funded at a rate of 27.572% - resulting in \$4.95 million to offset the \$6.145 million deficit. That leaves the division balance of \$1.2 million in the red. If we fund this deficit from roll-forward, benefits have to be included, so we will be about \$1.5 million in the red. We project that this funding will be obtained from divisional roll-forward resulting from faculty reimbursed time from grants and faculty development programs. Thus, we should end the year about even

The Governor's \$500 million budget reduction to the CSU next year means that SJSU will lose what we got back last October when this year's state budget was passed, meaning that in 2011-2012 we will start the year with a \$108 million base budget. However, our target has been raised from 20,027 to 21,045, so we have about 1,018 extra FTES to fund on the same amount of money that we started with this year. Remember that we projected a \$6 million deficit this year, which would be offset by a roll-forward reserve. For 2011-12, we project a similar or larger shortfall, but we will have little or no roll-forward. It should be noted that if the tax extensions aren't on the ballot or if they are not approved by the voters, next year's outlook will be much worse.

Provost Selter explained where the deficit is coming from. First, we had a \$4 million reduction about a 1 ½ years ago with no reduction in target. Then the \$12.2 million reduction we took was based on \$5,100 per FTES, but the FTES that we are reducing are generated by temporary faculty at a cost of approximately \$2,300 per FTES. In other words, FTES are being reduced at a \$5,100/FTES rate, but we are taking the reduction from temporary faculty salaries that funds FTES at a rate of \$2,300/FTES. That means we have a structural deficit in the division that somehow will have to be mitigate.

Provost Selter noted that we do have other revenue that isn't general fund or roll-forward. This is the money that we generate from self-support programs.

Provost Selter commented that over the past 1 ½ years we focused on establishing the Student Academic Support Services unit to increase our retention and graduation. The Provost said, "We want to do this with an increase in the quality of instruction and that involves to some extent class size and to a greater extent faculty development."

The Provost noted that he is going to put \$340,000 back into Student Success release time grants

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The Provost approved 13 faculty recruitments this year and plans to put out a call in March or April, for requests to recruit a substantially larger number of faculty during the coming year. However, the recruitments are contingent on funding. If the tax extensions aren't passed, then such recruitment is unlikely.

**Questions:**

Senator Sabalius thanked the Provost and said that this budget presentation was much easier for him to understand than other budget reports. However, Senator Sabalius expressed concern that the Athletics Department continued to get the same amount of money from the general fund as the College of Education, and that the overall the Athletics budget is as large as that of the College of Humanities and the Arts.

Senator Sabalius inquired as to why Student Athlete Success Services is funded by Academic Affairs instead of being funded by Athletics. Furthermore, Senator Sabalius noted that LARC has a budget of only \$143,000, but provides services to the entire university while Student Athletic Success Services has a budget of

cuts due to the division's projected \$6 million budget shortfall. The Provost noted that he has no problem having faculty consultation in the future.

Senator Silber asked, what is SJSU's percent of a \$500 million system-wide budget cut? Provost Selter responded that it was about 6%.

Senator Lessow-Hurley apologized for being late due to the accreditation review in the College of Education. Senator Lessow-Hurley noted that she was "very excited to hear about the restoration of the Teacher Scholar Program in particular."

Chair Kaufman asked what will happen if there is the additional \$500 million cut. Provost Selter responded that that is about a \$30 million cut at 6%. The Provost further explained that there are several things that could occur. We could have a reduction in target, we could have layoffs, and/or we could have furloughs. We would certainly have higher student fees. There are a lot of things that could mitigate our share of the cuts, but it will still hurt. The Provost noted that any further reduction will be devastating. Provost Selter further commented that he believed that the state and student fees should pay for opening course sections and putting instructors in the classrooms.

Senator Sabalius asked Provost Selter and Chair Kaufman if the Senate could have annual presentations about the budget from the Provost, because Senator Sabalius found this presentation much easier to understand than the University annual budget report. Chair Kaufman said he would support it as long as he could as the outgoing Senate Chair, and Provost Selter agreed to do another presentation.

**VIII. New Business – None**

**IX. State of the University Announcements. Questions. In rotation.**

**A. Provost –** No report.

**B. Vice President for Administration and Finance –** No report.

**C. Vice President for Student Affairs –**

VP Laker announced that the number of students that have indicated they are coming to SJSU next year, and have paid for orientation, has doubled in some cases. VP Laker anticipates that we will have a Fall class at least as large as we expected and possibly bigger.

**D. Associated Students President (AS) –** No report.

**E. Vice President for University Advancement –** No report.

**F. Statewide Academic Senators –** No report.

[Comments from the Senate Administrator: The Senate Administrator announced that Senators could send corrections to the Senate minutes to her at any time, and she would try and get those corrections into the minutes before they were brought to the Senate for approval. The Senate Administrator further clarified that resolutions brought before the Senate for a first reading are prepared by the policy committees and not the Senate Office. Any suggested modifications and/or grammatical changes should be sent directly to the policy committee chair. The Senate Administrator is prohibited from making any changes to Senate resolutions, except for amendments approved by the Senate during the final reading of a resolution.]

**X. Adjournment** – The meeting adjourned at 4:49 p.m.