

## **Minutes of the General Meeting Of the Academic Senate April 28, 2005**

1. Chairperson Jim Sauerberg called the meeting to order at 3:00 p.m. April 28, 2005. Roll was called and the following Senators were present: Chair Jim Sauerberg, Vice-Chair Jerry Brunetti, Past-Chair Penny Washbourn, Theo Carlile, Joseph Flessa, Paul Giurlanda, Robert Gorsch, Craig Johnson, Sam Lind, Keith Ogawa, Joan Peterson, Nancy Pineda-Madrid, James Temple, Ed Tywoniak and Parliamentarian Michael Barram. Absent were Michele Fixel, Tom Poundstone, and Mindy Thomas. Also present were: Br. Kenneth Cardwell, Richard Courtney, Dean Frank Murray, Mary Parish, Jane Sangwine-Yager, Chris Sindt, and Roy Wensley.

2. Minutes of the April 7, 2005 executive meeting were approved. Minutes of the April 21, 2005 general meeting were approved as amended.

### **REPORTS**

3. Chairperson's Report - Chair Sauerberg reported that he met with the President, Provost, Vice-Provost, and EPB Chair Lynn Meisch. They discussed outstanding Senate Actions. Br. Ron asked Chair Sauerberg to renew the tradition of a written Senate report by the outgoing Chair. He listed issues to be taken up next year:

- Job description to Vice-Provost for Academic Affairs (specifically role in R&T)
- Begin thinking about a year beginning plan and a year-end review: Faculty would sit with their Chair and submit their plan for the year, and follow-up at the end of the year
- Post professor review process
- Faculty governance
- Begin yearly reports from administrative areas
- WASC

Chair Sauerberg reported that the faculty salary scale has been accepted for next year.

The President's Ad Hoc Task Force on SEED continues to meet. The Handbook Committee will meet for the second time next week to review proposed revisions to the Handbook. The year-end dinner will be held following the last general meeting on May 19th.

4. Committee on Committees – Vice-Chair Brunetti reported that the CoC met to review the election. The CoC is concerned by the low numbers of faculty voting, but also it has come to the attention of the CoC that many faculty are not on the 'faculty' maillist and therefore were not notified about the election. The CoC will devise a method to

correct this for next year. The CoC plans to request that Provost Stampf fund a consultant to review the faculty governance structure. The question of participation in faculty governance by the adult and graduate faculty will be continued next year, awaiting the decision on the future of SEED.

## OLD BUSINESS

5. R&T Language regarding Personnel Files – Senator Tywoniak summarized that the President and the Board of Trustees requested that language be inserted into the Handbook on May 21, 2004. The language was not accepted by the Senate, but the President did add the language to the Handbook. Currently language does exist in the Handbook with a note that the language was not approved by the Senate. The Senate Rank and Tenure Subcommittee (RATS) met this year to review the language, and offered the following revision to Section 2.6.1.1 Additional Criteria. Past-Chair Washbourn suggested adding the Faculty Handbook Section number to the text. Senator Tywoniak said if there was a ruling on the part of a faculty member, a formal written document would have been received by all parties, and any document in the personnel file would be known by the faculty member. Past-Chair Washbourn added that the reason the Trustees requested this language is an attempt to make it explicit that the President and Provost need to consult the files prior to a promotion or tenure decision. A MOTION was made by Senator Tywoniak and SECONDED by Senator Temple to accept the following:

*BE IT MOVED THAT “The President and the Provost, at their respective levels of independent review for promotion and tenure, will consult with the College’s Director of Human Resources REVIEW THE CANDIDATE’S COMPLETE PERSONNEL FILE to ascertain if, during the time in which the candidate has been employed at the College, there has been a determination of violation of the College’s non-discrimination and/or retaliation policies, including but not limited to the College’s policy prohibiting sexual harassment. If such a violation has been found, the President may take that finding into account when making a final decision regarding the faculty member’s candidacy for promotion and/or tenure AND WILL PROVIDE WRITTEN EXPLANATION TO THE FACULTY MEMBER IN QUESTION IF THERE IS A NEGATIVE RULING RESULTING FROM SUCH A REVIEW.”*

The motion was accepted by a hand vote of 14-0-0.

6. Core Curriculum Proposal - Chair Sauerberg introduced the document. The discussion was postponed from the April 21, 2005 meeting and the Senate began where it left off at the section regarding voting/non-voting membership of the Task Force. The original EPB proposal was reviewed one step at a time with revisions being offered for each section and a vote taken prior to moving on to the next section. Chair Sauerberg summarized the decisions made thus far at the April 21, 2005 meeting. A MOTION was made by Senator Lind and SECONDED by Senator Giurlanda to place the EPB Core Curriculum Proposal on the table for discussion.

***Voting/non-Voting Membership of the Task Force:*** Senator Carlile said the EPB language states that the Task Force seeks to work by consensus, but if votes are necessary along the way each members has voice and vote. A MOTION was made by Senator Carlile and SECONDED by Senator Tywoniak to revise the language to state that, “Only the faculty have voice and vote (the others are advisory).” Senator Carlile said that curricular issues should reside with the faculty, but all parties should be involved in the full conversation and advice. Senator Tywoniak said that Senator Giurlanda made an excellent point at the last Senate meeting regarding the student’s ability to have a sustainable input over a number of years. The Curriculum issues are the sole purview of the faculty, and while other groups should be consulted, the voting should be done by faculty alone. Senator Temple argued that all parties on the Task Force should vote. Past-Chair Washbourn said the concept of shared governance is primarily between faculty and administration, and she endorsed the motion for a faculty only vote. Vice-Chair Brunetti asked how the other Task Force members differ from other administrators and faculty who attend the meetings and contribute? He said faculty are unhappy because they do not feel their voice is heard, and not allowing the other members of the Task Force to vote seems to be creating more of the same type of situation the faculty are unhappy with. However with six members of the Task force out of ten faculty clearly dominate the voting. A close vote means that the proposal is not likely to be accepted by the community.

Senator Carlile said that all members of the committee will be highly respected and instrumental and still have the decision making part of the committee’s work reside with the faculty members of the Task Force. She would support that idea of the administration have veto power along the way.

Roy Wensley said that ex officio, non-voting memberships are not unprecedented at SMC, particularly administrative appointments on committees. The curriculum is the one item that faculty have the sole authority for. Faculty are the designers and investors of the curriculum of the institution. He said he doesn’t view the Student Life input into the curriculum as that important, however, their understanding of the curriculum and what they should do to support it is very important.

Chair Sauerberg reminded the Senate that including administrators and students on the Task Force was a very evenly divided vote. However, the Senate did vote to include administrators and students on the committee. There are equally strong arguments in favor of a vote by all members of the Task Force, as well as for allowing only faculty to vote. The motion was approved by a vote of 10-3-1.

***Binding Nature of Task Force Recommendations:*** Senator Carlile explained that the EPB proposal suggested that the Task Force recommendations be binding. A MOTION was made by Senator Carlile and SECONDED by Senator Giurlanda to amend the proposal as follows: “The Task Force makes recommendations to joint Senate/EPB meetings at pre-established points in the process. At that time the Senate/EPB votes to approve the work and/or authorize the next step.” [The timeline/process steps had not yet not been determined, but the suggested timeline was explained as:

*One:* Determine community values/vision and develop learning outcomes based on the values/vision, (fall 2005/Jan Term 2006) report to Senate/EPB.

*Two:* Review current practices & assess in the light of findings from Step One, and also in the light of models used by other institutions with similar values/visions, assessing what is working well and what needs to be changed (Spring 2006?) report to Senate/EPB.

*Three:* Based on Step Two findings, develop recommendations for new curricular initiatives (Summer 2006/Fall 2006/ Jan Term 2007?) with extensive input from faculty, department chairs and program directors, Deans, other administrators and multiple public opportunities for comment/contribution – with at least two models presented to the Senate/EPB for a vote by those bodies.]

Dean Murray added that since the EPB proposal recommended a ‘binding’ model, there was no provision made for voting. If required, the Senate will need to determine the voting process.

Past-Chair Washbourn said the recommendation does not reinforce the principle that there will be public meetings. Senator Carlile answered that the EPB proposal, without amendment, calls for such meetings. It was also pointed out that a statement is contained in the “Timeline” section, not yet voted on. Vice-Chair Brunetti said a vote by the entire faculty would be inappropriate due to the lack of faculty involvement (see, for example, faculty election vote). Chair Sauerberg said originally he was opposed to the proposal, but he is now convinced that the Senate and EPB need to do their job as representatives and seek out their colleagues for input and cast their vote. Senator Ogawa said he was reluctant to give the Senate/EPB authority without input from the faculty. The fact that a large majority of faculty do not participate in voting is not a reason to exclude them from the process. Chair Sauerberg added that the Chair of the Academic Senate has the option to poll faculty in attendance before a vote is taken or the Senate can require, by a two-thirds vote, that a written poll be submitted to the entire faculty. The motion was approved by a hand vote of 13-1-0.

***Administrative Veto*** - A MOTION was made by Senator Carlile and SECONDED by Senator Nancy Pineda-Madrid to add the following language, “administration has veto of specific options at each step.” Senator Carlile explained that the advantage would be that the Task Force would not complete its task only to find out at the end that the administration didn’t agree with the vision, or the outcomes, etc. It would be advantageous to know where the administration stands along the way.

Vice-Chair Brunetti suggested revising the statement to read, “The administration (President and Provost) have the responsibility in the process to endorse or to register concern about each specific proposal at each step along the way.” Past-Chair Washbourn said she would prefer to receive the endorsement of the administration along the way.

The motion was approved unanimously by hand vote, 14-0-0.

**Accountability** - Senator Carlile said an added amendment would address the issue of accountability. A MOTION was made by Senator Carlile and SECONDED by Senator Temple to revise the EPB proposal language as follows (new language in bold): “The Task Force is accountable to the Educational Policies Board **and the Academic Senate** and will meet with **them** on a regular basis to report on the progress of their work.”

Chair Sauerberg expressed concern about the word “accountable”. The Task Force should be open and communicative, but it should also be able to think carefully and bring forward something special. Senator Giurlanda said he would like the Task Force members to be able to do their job, and the Senate should not be debating each detail. Chris Sindt said the original EPB proposal did not factor in the very organized stages of reporting. The spirit of the original proposal was a report every three months. Past-Chair Washbourn said the EPB proposal has acceptable language and an amendment is not required. Dean Murray explained that the word “accountable” was used in the original proposal because the EPB wanted to make sure there was a regular reporting, but it was done before the timeline proposed by the Senate. This amendment includes the Senate in the word “accountable”. Past-Chair Washbourn agreed that the Academic Senate should also be accountable and rescinded her previous objective to the new language. The motion was approved by a hand vote of 12-2-0.

A MOTION was made by Senator Giurlanda and SECONDED by Senator Johnson to postpone further discussion to the executive meeting on May 5, 2005. Motion was approved by hand vote.

## **NEW BUSINESS**

7. Consideration of the Future of SEED - A MOTION was made by Past-Chair Washbourn and SECONDED by Senator Tywoniak to approve the Motion regarding the Future of SEED.

Past-Chair Washbourn said SEED faculty were concerned that the work of the President’s Ad Hoc Task Force on SEED be submitted at the same time that the Board reviews the Regis University proposal. She is not certain the motion is specific enough to ensure that the Trustees review the Ad Hoc proposal simultaneously with the Regis proposal. The motion was amended as indicated below:

WHEREAS faculty from the School of Extended Education have an alternative plan of action for the School indicating inadequate analysis by the College of the true costs and drawbacks of closing or selling programs in the School, and

WHEREAS the College budget and financial picture are already of grave concern, and

WHEREAS the faculty from the School of Extended Education will have its alternative plan prepared and available by the end of April,

BE IT HEREBY RESOLVED THAT the Academic requests the President to direct the Board of Trustees to receive, review and seriously consider the alternative proposal submitted by the **President's Ad Hoc Task Force** full-time faculty of the School of Extended Education in **simultaneously** evaluating any proposal from Regis College **University** to purchase any currently-existing programs in the School of **Extended Education**.

The motion was approved by a hand vote of 13-0-1.

8. Handbook Committee Items - Chair Sauerberg introduced the document which contained several proposed changes to the Faculty Handbook by the Handbook Committee. Chair Sauerberg announced that if the Senators had any concerns about a particular Handbook revision, that section would not be discussed at this time.

**Item 1: Board of Trustees change:** Section 1.3.2 – Chair Sauerberg explained that the Board has amended their bi-laws and the Faculty Handbook will be updated to reflect the increase in the number of Trustees from 18 to 25. A MOTION was made by Past-Chair Washbourn and SECONDED by Senator Pineda-Madrid to accept the following:

In Section 1.3.2, Board of Trustees (p.4 of the Handbook) two numbers need to change: The authorized number of Trustees has changed from 18 to 25 and there are 5 (not 3) "participants." The 2 additional participants are Brother Participants, one each from the SMC Community and from the Alemany Community. The change here is simply in the numbers. For your information, here is the section from the bylaws specifically re-including Brothers: "In addition, two (2) Christian Brothers who serve at the College and are members of the Saint Mary's or Joseph Alemany Communities, respectively, shall each be appointed by the Trustees Committee as Participants of the Board for a one-year term ('Brother Participants')." (Bylaws, Article 3.02.)

The motion was unanimously approved by a hand vote of 14-0-0.

**Item 2: (New Section) 2.9.2.6 Conflict of Interest Policy** - Senators expressed concern, this section was not discussed.

**Item 3: (New Section) 2.1.6 Provisions and Policies for Faculty Administrators** - Senators expressed concern, this section was not discussed.

**Item 4: Section 2.3.1 Selection/Appointment of Ranked Faculty** - Language added stated that criminal background checks will be completed for each candidate. Senators expressed concern, this section was not discussed.

**Item 5: Section 1.7.3.6 Faculty Qualified For Election (R&T)** - The proposed language is a correction to existing language, The R&T elections are now held in the spring. A MOTION was made by Vice-Chair Brunetti and SECONDED by Senator Temple to approve the following:

Members of the faculty are ineligible for election during their sabbatical year, leave of absence, or if they are to be considered for promotion. As a courtesy to all involved, faculty who anticipate a sabbatical leave in the next academic year are encouraged to withdraw their names from nomination. **if they would be on sabbatical leave, or leave of absence, or being considered for promotion during the first year of service.**

The motion was approved unanimously by hand vote, 14-0-0.

***Item 6: Section 1.7.3.6 (R&T) Election Procedures: Faculty Positions Other than Chair*** – Chair Sauerberg explained that the proposed language clarifies current practice. A MOTION was made by Senator Carlile and SECONDED by Senator Pineda-Madrid to approve the following language:

1. Six weeks before the start of the annual campus committee elections, **After coordinating with the Committee on Committees to ensure that the Rank and Tenure elections conclude before the nominating ballots go out for other annual faculty committee elections**, the Office of Academic Affairs commences distribution of ballots through faculty boxes or by mail in the following order:

- a. Representatives of the School;
- b. Members-at-large;
- c. Replacement members.

2. (unchanged)

3. The initial ballot is a nominating ballot and contains the names of all faculty eligible for the position . . . . For the member-at-large position **four**three nominations must be made for the ballot to be valid. The **four**three nominees receiving the largest number of votes are placed on the election ballot...

The motion was approved unanimously by hand vote, 14-0-0.

***Item 7: Section 1.7.3.11 - Committee on Academic Appeals.*** Dean Frank Murray explained that the Academic Appeals Committee hears grade appeals, challenges to graduation requirements, and in the past, challenges to Dean's decisions regarding academic dishonesty. Under the new Honor Code, the Academic Appeals Committee no longer hears academic dishonesty cases. Additionally, many students ask to be represented by Christian Brothers rather than ranked faculty members. Exceptions have been made in the past, but he proposes changing the policy. The proposed new language replaces the word "grievance" with "appeal" throughout the section. The Dean for Academic Development now serves as the nonvoting chair for each appeal hearing. A MOTION was made by Vice-Chair Brunetti and SECONDED by Senator Tywoniak to approve the following:

*Role:* A faculty/student committee which hears appeals from undergraduate students . . .

1. To hear appeals regarding decisions of the Dean of the School or of the Registrar (and approved by the Dean of the School) concerning courses, standards, academic regulations and requirements for graduation;
2. To hear appeals regarding grades given by instructors;
3. To hear appeals regarding charges of academic dishonesty lodged against students by instructors or by the Registrar.

*Membership:* The Dean for Academic Development (ex officio and nonvoting), **two or three** ranked faculty members and three ranked alternates (**including Christian Brothers currently teaching at the College**), one each from the Schools of Liberal Arts, Science, and Economics and Business Administration, appointed by the past chair of the EPB...

*Procedures:*

(substitute the word **appeal** wherever “grievance” appears throughout this section)

6. The Committee will not consider an **appeal** grievance until and unless all the above...

7. In convening for a specific case, the Committee chooses its own chairperson. **The Dean for Academic Development serves as the nonvoting Chair for each appeal hearing.** Representatives of the two principals (a ranked faculty member chosen by the student—a **Christian Brother on staff may also serve this role**—and a ranked faculty member chosen by the other principal, **or in the case of an appeal of a decision by the Registrar’s Office, a representative of that office not involved in the original decision**) will present to the Committee...

11. The Committee **Dean for Academic Development** gives written notification of its **the Committee’s** decisions to the principals.

The motion was unanimously approved by hand vote, 14-0-0.

**Item 8: Section 2.11.1 - Workload for Ranked Faculty.** Chair Sauerberg said at one point the Workload for Ranked Faculty was amended and the section replaced was in mistakenly left in the Handbook. A MOTION was made by Senator Tywoniak and **SECONDED** by Senator Peterson to approve the following:

In accepting a letter of intent or contract, each ranked faculty member agrees to the following rules regarding workload:

1. To devote their full-time and best efforts during the periods of their appointments to performing the specified duties in their letters of appointment and to carrying out other duties assigned to them in

accordance with the applicable provisions of the Faculty Handbook.

2. Not to accept or engage in any other employment or activity, whether paid or unpaid, which in the judgment of the President in consultation with the Dean of the faculty member's School might interfere with the performance of such duties, without the prior written authorization of the President. All such authorizations are required for each term of appointment in which they are sought, and will be granted on an annual basis only. A copy of any such authorization must be forwarded to the Office of Academic Affairs.

Faculty may engage in teaching, consulting, or other paid activities outside the College without the prior written authorization of the President as long as such activities do not exceed

the equivalent of one eight (8) hour day each week while teaching.

3. Faculty who are engaged in compensated consultancies or other paid activities outside the College that exceed the equivalent of one school day each week while teaching should secure the prior written approval of the Dean of the School. Such approval is subject to annual review for continued approval. A copy of any approval will be forwarded to the Office of Academic Affairs.

(Renumber subsequent sections accordingly.)

The motion was approved unanimously by hand vote, 14-0-0.

**Item 9. Section 1.7.3.6.1 - Student Rank and Tenure Committee.** Dean Murray explained that when the R&T procedures were changed to move interim review back to the department, the language for the Student R&T was not changed. The new language reconciles current practice. A MOTION was made by Senator Lind and SECONDED by Senator Carlile to approve the following:

*Role:* The Student Rank and Tenure Committee is advisory to the Rank and Tenure Committee regarding reappointment, tenure and promotion of full-time faculty teaching traditional students in undergraduate courses. It is charged with supplying the Rank and Tenure Committee with student questionnaire data on the teaching effectiveness of faculty being considered by that Committee for interim review, tenure and promotion **as well as making**. It makes formal written recommendations on **these** candidates for tenure and promotion **based on this data**.

Vice-Chair Brunetti suggested changing “candidates” in the last sentence to “faculty” and to add “based on **the questionnaire** data.” Dean Murray accepted as friendly amendments. The motion was approved unanimously by hand vote, 14-0-0.

9. Grievance Language – Section 2.16.2. Procedures that Apply to All Grievances - Chair Sauerberg explained that if there is a grievance against the President and there is a question about the grievance language, this will explain who interprets the language. He summarized that in 1999-2000 the committee membership and procedures were revised.

In May 2001 the Handbook Committee rejected Section 2.16.2.16. In April 2002 the Senate unanimously approved language for Section 2.16.2.16. In September 2002 the AVP accepted the Senate's language. In October 2003 the AVP said the President would not accept the language. May 2004 the President then rejected the language and sent revised language to the Senate for consideration. In September 2004 the Senate postponed further discussion until a new President was appointed. The proposed language is identical to the language approved by the Senate on April 18, 2002, subsequently accepted by the AVP, but rejected by the President. Vice-Chair Brunetti suggested clarifying that the intent of the language, that the Senate Chair is to convene the whole Grievance Committee, and that nine of the fourteen are to be present. The amendment was accepted. A MOTION was made by Senator Tywoniak and SECONDED by Senator Temple to accept the following:

2.16.2.16. In the event that the parties to a grievance disagree on the meaning of any part of the grievance procedure (including but not limited to the process itself, meanings of words, and intention of punctuation), the Grievance Committee will meet to interpret that part of the grievance procedure. The Chair of the Academic Senate will convene **the entire Grievance Committee**, at least nine of the fourteen members **being present**, of the Grievance Committee who will hear arguments from the parties to the grievance, and they will decide by simple majority. The parties to the grievance are bound by the Grievance Committee's interpretation.

The motion was approved unanimously by hand vote, 14-0-0.

10. The meeting was adjourned at 5:00 p.m.

Respectfully submitted,  
Cathe Michalosky  
Academic Senate Secretary