

## Minutes of the Academic Senate

April 24, 2008

1. Chairperson Carla Bossard called the meeting to order at 3:00 p.m. on April 24, 2008. Roll was called and the following Senators were present: Chair Carla Bossard, Vice Chair Brother Charles Hilken, Zach Flanagan, Charles Hamaker, Deane Lamont, Lidia Luquet, Phil Perry, Martin Rokeach, Ed Tywoniak, and Parliamentarian Valerie Burke. Absent were: Past Chair Ted Tsukahara, David Alvarez, David Bowen, and Barbara Grant (on leave for remainder of the semester).

Also present were: CTO Ed Biglin, Joel Burley, Dean Tom Carter, Steve Cortright, Provost Beth Dobkin, Debra Holtz, Ann Kelly, Steve Miller, Dean Frank Murray, Jim Sauerberg, Associate Dean Chris Sindt, Bill Sullivan, Vice Provost Frances Sweeney, and Dean Steve Woolpert.

2. Minutes of the April 3, 2008 meeting were approved as submitted.

### REPORTS

3. Chairperson's Report – Chair Bossard reported on the following:

- The Academic Planning Day will be held on August 26, 2008. Committees will meet in the morning, followed by lunch and the afternoon session with the Provost. The all staff day will be held on August 15<sup>th</sup>, new faculty orientation is scheduled for August 21 and 22, 2008, and all faculty day will be held on Monday, August 25<sup>th</sup>.
- On September 11<sup>th</sup> a faculty forum will be held on talking to the media. The forum is a joint venture between the Communications office and the Senate.
- Joan Peterson has been appointed to replace Barbara Grant as the School of Education representative to the Senate for the May meeting and the joint meeting of the Senate/EPB/Core Curriculum Task Force. Barbara Grant has taken a leave for the remainder of the year.

*Consent Agenda:* Procedures for Discontinuance of an Academic Department or Program not Mandated by General Financial Exigency. A motion was made by Senator Tywoniak, supported by five Senators, to remove the issue from the Consent Agenda. The item was added to New Business.

4. Vice Chairperson's Report - Brother Charles reported that the faculty elections are proceeding; the final ballot to be distributed on April 25, 2008. The CoC sent a survey to faculty regarding committee service; a report will be formulated and distributed to the Senate at the May meeting.

5. Provost Updates – Provost Dobkin reported that on May 8, from 1-2:30 p.m. she is hosting a campus diversity planning session to share what the cabinet has been talking about in terms of diversity, including future plans.

Provost Dobkin expressed her aspiration to have a summer term by June 2009. She explained that it is becoming more difficult for students to meet all of the graduation requirements in time

to walk. She is considering a three-week session in June, with three-hour classes. Summer school would be voluntary for faculty, to be paid as lecturers. No proposal is prepared at this time. She is in the formulative stage and is communicating with the Registrar and researching the availability of facilities and housing. Provost Dobkin asked the faculty to provide feedback.

6. Update on Campus Building Related to Meeting Rooms – Bill Sullivan reported on available meeting space during the fall 2008. The following spaces will be off line as of fall 2008: Mike Ferrigno VIP Lounge, Founders' dining room, faculty/staff lounge, Roncalli, and Hagerty Lounge. After December, Zocchi lounge and the Trustees Board Room will also be unavailable.

A new conference room in the old Education building will be the Sodexo-free area, replacing Hagerty. Galileo 113 will also become a conference room. Additional conference rooms are available in the new Filippi Academic Hall.

7. Faculty Welfare Committee – Jim Sauerberg reported on the faculty salary report. A lengthy report was distributed. Following is a summary of the report, the full report is on file in the office of the Academic Senate.

1) Updates

- i) The Salary Scale for 2008-09 has been approved. The 5% pool increase (as per the 2008-09 college budget) will lead to a 3.25% scale increase. The structure of the scale is unchanged from last year.
- ii) CFO Pete Michell's 4/14 report to the campus indicated that in January the Trustees approved a five-year college budget that included faculty salary pool increases of 5%, 5%, 6%, 6%, and 6% for the academic years 2008-09 through 2012-13.
- iii) The triennial Faculty Salary Policy Task Force (FSPTF) is slowly continuing its work this spring. The letter FWC sent to CFO Michell regarding our position on the tasks to be performed by the FSPTF (discussed at the 3/3 Senate meeting) was well received by Pete and should lead to greater clarity in the expectations all have of that task force.

2) Salary Report

Academe has just released its annual salary study. With these numbers in hand, we can compare Saint Mary's faculty salaries with the goals as listed in the Faculty Salary Policy.

Goal #1: The college continues to meet its "minimum goal", that "the average of salaries by rank should minimally be the average salaries by rank of" PacIIA institutions. Because the PacIIA averages jumped 7% during the last year (after rising only 1.6% the previous several) we now barely meet this goal. If this jump was caused by the last year's CSU salary settlement, we can expect significant increases in the PacIIA average salaries the next two years as well, and so the budgeted pool increases mentioned in 1ii) above may be insufficient for SMC to continue to meet Goal #1.

Goal # 2: The college has failed to make progress toward meeting its "competitive goal", that we "should aim for the median of the assistant professor scale at Saint Mary's to be at the median assistant rank average salaries of" the WCC+1 schools.

The last four years have seen us fall from 7.6% behind to 10.5% behind this goal. The budgeted pool increases will probably prevent further erosion, but seem unlikely to allow us to make significant progress toward meeting this goal. While we ascribe good faith to all involved in the salary process, the lack of progress means that Saint Mary's salaries will continue to be sub-competitive for the foreseeable future.

Goal #3: The college may have fallen out of compliance with its "fairness" goal, that "the salary structure should have a range of salaries, from assistant through full professor, consistent with the" PacIIA institutions.

Our salary spread (from average assistant to average full) is now 8% more than the PacIIA spread. Addressing this, which is the responsibility of the FWC, will likely mean tweaking the basic structure of our salary scale (19 steps, 3% increases between steps, and 4% and 5% promotion increases), a structure which has remained constant since the final elimination of the Professor 7A, 7B and 7C steps in 2003-4. Once the FSPTF has complete its work, the FWC will turn toward addressing this issue.

Jim Sauerberg said the FWC welcomes any questions or concerns. Senator Tywoniak thanked the Faculty Welfare Committee for the exceptional work that they do on behalf of faculty.

8. Educational Policies Board – Steve Miller reported that the EPB met on April 21. A discussion of the Turnitin.com two-year assessment took place. The EPB will vote on Turnitin.com at the May meeting. The EPB approved Procedures for Discontinuance of an Academic Department or Program not Mandated by General Financial Exigency. This document is to replace an old Senate Action, Guidelines for Termination of Departments and Programs. This item is on the agenda under New Business.

## OLD BUSINESS

9. Responses to Senate Actions – Chair Bossard explained that two Senate actions were returned from the Handbook Committee with suggested amendments. A motion was made by Senator Tywoniak and SECONDED by Senator Luquet to discuss the documents.

### *Senate Action S-07/08-39, Stopping the Tenure Track Clock:*

Dean Murray explained that the language contained in 1.a, b, and c raised some ambiguities about how much latitude someone would have to declare a circumstance that was not in keeping with the spirit intended. A recommendation was made that the same conditions enumerated in 1.a, b, and c are already embodied in the College's policies and the state and federal policies. Therefore, the Handbook Committee suggested amended language as follows:

**Re: Senate Action S-06/07-39; Stopping the Tenure Track Clock  
Approved May 3, 2007**

### **PROPOSED NEW HANDBOOK POLICY:**

- Under 2.6.2.1.3 or as 2.6.2.1.4:

#### ***Interruption of the Probationary Tenure-Track Period***

Tenure-track faculty members have the option of interrupting the probationary period – “stopping the tenure-track clock” – up to a total of two one-year periods for **conditions covered by the Family Medical Leave Act or the California Family Rights Act or the Pregnancy Disability Leave or the Paid Family Leave Program, whether or not leave is actually taken.**

~~compelling reasons related to domestic responsibilities and/or family and personal health emergencies, including:~~

- ~~a. the birth or adoption of a child (within one year of the birth or adoption), or the placement of a child for foster care.~~
- ~~b. family health emergencies, including reasons related to family care or the serious illness of a child, parent, spouse, or domestic partner.~~
- ~~c. the faculty member's own compelling health reasons or emergency.~~

Stopping the clock under this provision will not be considered a matter for special negotiation, but will be initiated via written notification by the faculty member to the Provost, with copies to the member's Department Chair and Dean. The option of stopping the tenure clock will be independent of a request for Protected Leave (see 2.13.2.1) or any other leave. The tenure clock will normally be stopped any time during the academic calendar before the submission deadline for the Form A upon request in writing by the faculty member, and will be restarted automatically with the next year's deadline for the Form A. Tenure decisions will not be affected by the interruption of the probationary period (i.e., there will be no changed/higher expectations).

- Under 2.13.2.1:

The above Protected Leaves may be accompanied by an interruption of the probationary tenure period for tenure track faculty. See (proposed) 2.6.2.1.4

The proposed language was amended by the Senate as follows: Remove “Paid Family Leave Program” from the first paragraph. (Ann Kelly stated that this language was inaccurate.) Add the following sentence to the end of the paragraph that begins with, “Stopping the clock...”

**The Provost will respond to the faculty member, with copies to the faculty member’s department chair and dean, indicating how the tenure schedule has been adjusted.**

The Senate voted to accept the amended language. The motion to accept the document was approved unanimously by voice vote.

***Senate Action S-07/08-8, Faculty Handbook Language Section 1.6.1 Shared Governance:***  
Chair Bossard explained that the Handbook Committee proposes amending the document as follows:

**RE: Senate Action S-07/08-8  
Faculty Handbook Language Section 1.6.1  
Shared Governance**

At the December 6, 2007 General Meeting of the Academic Senate, the following amended language to Faculty Handbook Section 1.6.1, Shared Governance, was unanimously approved. This action was assigned Senate Action # S-07/08-8.

Section 1.6.1

The ideal process for decision-making at the College relies on the foundational principles of Catholic Social Teaching that base all actions on a shared respect for all persons and a mutual commitment to the Common Good. Whenever possible, governance decisions will be the result of appropriate consultation achieving consensus or reasoned compromise. The Board of Trustees has the final authority to approve or disapprove ~~in a timely manner all proposed~~ changes to the Faculty Handbook **brought to them by the President** as provided in FH Section 1.8. Within the context of this authority, faculty and administrators acknowledge that governance of the College is both the expression and the actual practice of shared decision making in all matters affecting academic quality at the College. These practices will be informed by a mutual commitment to the Principle of Subsidiarity. Faculty and administrators therefore recognize that even where faculty roles in the decision making process is advisory, that the practice of good government requires the following:

1. Timely ~~and appropriate~~ consultation of the faculty within the Committee system set forth in Faculty Handbook, especially sections 1.6 and 1.7;
2. Timely ~~and appropriate~~ administrative response to faculty recommendations;
3. Timely ~~and appropriate~~ access to faculty of all non-confidential records and documents relevant to permit the faculty to carry its responsibilities to give advice on matters under consideration, and
4. ~~Appropriate~~ **Faculty** representation selected ~~by the faculty~~ **from faculty recommended by the Senate or its Chair** on all significant ad hoc committees and taskforces whose charges involve matters pertaining to academic quality.

Alleged breaches of any **of the above four practices** ~~policy or procedure~~ related to shared governance at the College are expressly within the grievable issues covered under FH Section 2.16.1.

A MOTION was made by Senator Luquet and SECONDED by Senator Tywoniak to approve the amended document.

A comma was added in the first paragraph after, "...Catholic Social Teaching, that..."  
The motion to approve the document was approved unanimously by voice vote.

## NEW BUSINESS

### 10. Resolution of Inclusiveness - Senator Rokeach introduced the following resolution:

The Academic Senate shares the College's and WASC's concerns about continuing insensitive behavior towards others in our community, in particular, toward students, staff and faculty of color. We respectfully request that the College provide workshops each semester through the Office of Human Resources for faculty and staff designed to increase cultural competence within our community. The Academic Senate recommends that these workshops be mandatory, with attendance monitored by the provost and the dean of each School.

A MOTION was made by Senator Luquet and SECONDED by Senator Rokeach to discuss the resolution. The following comments/suggestions were presented:

- Senator Luquet suggested that the resolution not appear to be responding to fear of WASC, but to a dislike of the episodes of incivility that have been reported,
- others suggested that the seminars be mandatory annually rather than each semester,
- delete the word "continuing" in the first sentence and replace it with "the presence of continual..."
- Chair Bossard suggested ending the first sentence after, "in our community" and striking, "...in particular, toward students, staff and faculty of color." It is not just ethnicity that is problematic.
- Provost suggested replacing, "...semester through the Office of..." with, "...semester **in coordination with** the Office..."

The Senate felt there was an urgency to the resolution, but also that careful thought should be taken to craft the language. Senators Rokeach and Flanagan agreed to work together to revise the motion for the May Senate meeting.

11. Procedures for Discontinuance of an Academic Department or Program not Mandated by General Financial Exigency – The following document was sent to the Senate from the Educational Policies Board. This document is to replace the old Senate Action, Guidelines for Termination of a Department or Program, which was approved in 2003. The action was never approved by the Provost and the Senate returned the document to the EPB for reconsideration.

#### **Procedures for Discontinuance of an Academic Department or Program not Mandated by General Financial Exigency**

These guidelines, developed in the spirit of shared governance, are designed to ensure that all deliberations with regard to the discontinuance of departments or programs are fair, open, and timely, and involve all concerned constituents.

#### Process

1. Proposals should be written by the appropriate academic dean with reference to the *Guidelines for Department and Program Reviews* to ensure that all aspects of the department or program are duly considered. In addition, the proposal should address the following questions:

- (a) Why should the department or program be terminated?

- (b) What are the probable effects of termination of the program? For example, who will be affected by the decision? How? What are the potential effects on faculty (tenured, tenure track, and non-tenured), staff, students, majors, other undergraduate and/or graduate programs of the College? What effect will this action have on other departments? What effect will this action have on the College's character and mission (Liberal Arts, Catholic, Lasallian)?
  - (c) What steps should the College take to minimize any negative effects of the discontinuation?
- 2. Proposals for discontinuing a department or program are to be submitted in writing to the Undergraduate Educational Policies Committee (UEPC) or Graduate Educational Policies Committee (GEPC) at any time in the academic year but no later than March 1st. Once a proposal is received, the committee will meet with (1) the Provost, or the Vice Provost for that program, (2) the Dean of the department's or program's school, (3) the department chair or program director, (4) the department/program faculty, and (5) a Program Review Committee representative. The committee chair will then bring forward to the Academic Senate either a) a recommendation for discontinuance or b) recommendation against discontinuance.
- 3. The Senate will consider and take action on the recommendation of the UEPC or GEPC.

#### Program Suspension

The Dean of a School, after consultation with the appropriate ranked faculty in the affected program or department, may "suspend" classes or halt new enrollment of students in the program for one or at most two consecutive academic periods (a quarter, a trimester, a traditional undergraduate semester, etc., whichever applies to that program). The Dean may not continue that "suspension" beyond the original period without an Academic Senate ruling. The Dean must notify the Chair of the EUPC or GEPC in writing of the plan for suspension of admissions and/or classes, and set a deadline for their resumption. If the Dean believes that the termination of the program is a likely outcome of the suspension, appropriate steps must be taken to initiate the termination process so that the process stated above (ending in an Academic Senate decision) can be reached before the designated suspension period ends. Under no circumstances will classes or enrollment be suspended beyond two consecutive academic periods without a determination by the UEPC or GEPC of the status of the program. The Chair of the UEPC or GEPC may require a full report by the Dean of the affected program prior to the end of the suspension period if the Chair believes that such a report would help resolve the situation

Jim Sauerberg asked several questions:

Item 1.a. - Most likely the reason a program would be terminated would be for financial reasons. He suggested including that any proposal for termination should address the educational and financial reasons that the program should be terminated. EPB Chair Miller responded that he could envision instances where the faculty could decide to end a healthy program. Dean Murray added that the Senate has approved program closure language in the FH section 2.8.5.2, "Initiation of this discussion shall be based either on unattained program or departmental financial performance and educational considerations that have been established in either the documents that approved the establishment of the department or program or through the established program review procedures for existing programs and departments." Dean Murray said that the proposed provision would fall under the above-established guidelines. The Procedures for Discontinuance is a process document outlining the steps taken to initiate a program closure.

Item 2. - Jim Sauerberg said he could imagine that it would be difficult for the UEPC, GEPC, or Academic Senate to go against the wishes of the deans, vice provost, and provost regarding a recommendation to terminate a program. Is it realistic to assume

that the faculty bodies could go against the wishes of the administration? Dean Murray answered that in his opinion there are considerable steps taken through several faculty committees before a final decision is made. Chair Bossard said there has to be a certain level of trust. Dean Murray added that faculty must presume good will and professional behavior on the part of all parties.

The question was called and the document was approved unanimously by voice vote.

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

Respectfully submitted,  
Cathe Michalosky  
Faculty Governance Coordinator