

Minutes of the General Meeting of the Academic Senate October 7, 2004

1. Chairperson Jim Sauerberg called the meeting to order at 3:00 p.m. October 7, 2004. Roll was called and the following Senators were present: Chair Jim Sauerberg, Past-Chair Penny Washbourn, Theo Carlile, Paul Giurlanda, Robert Gorsch, Craig Johnson, Sam Lind, Keith Ogawa, Joan Peterson, Tom Poundstone, James Temple, Ed Tywoniak, and Parliamentarian Michael Barram. Absent were Vice-Chair Jerry Brunetti, Robert Bulman, Michele Fixel, Susan Marston, and Mindy Thomas.

Also present were: Michael Beseda, Ed Biglin, Gerard Capriulo, Rebecca Carroll, Dean Tom Carter, Dean Judd Case, Karen Cowman, Barry Eckhouse, Michael Edwards, John Ely, Br. Craig Franz, Br. Ron Gallagher, Dave Gentry-Akin, Carl Guarneri, Charles Hamaker, Dorothy Jones, Ann Kelly, Jessica Kintner, John Knight, Carol Lashof, Lidia Luquet, Phylis Martinelli, Norris Palmer, Phil Perry, Mari-Anne Rosario, Jane Sangwine-Yager, Deepak Sawhney, Scott Schonfeldt-Aultman, Steve Schultz, Jeff Sigman, Provost Sally Stamp, Carole Swain, Ted Tsukahara, Roy Wensley, Susan Weissman, Linda Wobbe, and Dean Steve Woolpert.

2. A MOTION was made by Senator Giurlanda and SECONDED by Past-Chair Washbourn to approve the minutes of the September 23, 2004 executive meeting as amended. Motion approved.

REPORTS

3. Chairperson's Report - Chair Sauerberg announced that Pete Michell will make a budget presentation on October 26, 2004 from 3:00-4:00 p.m. Pete Michell indicated that he will post a FAQ article on the web regarding SMC finances.

The Senate accepted a Marketing Concentration within the Business Administration major and a Women's Studies Major on its consent agenda at the September 23, 2004 executive meeting. Both proposals were approved by the Educational Policies Board by a 2/3 majority, as required for the consent agenda.

Chair Sauerberg reported that several issues are on hold pending the appointment of a new president:

- An old senate action regarding Grievance Procedures has gone back and forth between the President and the Academic Senate for several years. The Senate's concern was based on interpretations of the current President.

- The Senate and the EPB had begun to form a task force to look into issues about the numbers of ranked faculty in the School of Extended Education. Discussion on the future of SEED is on hold awaiting a new president.
- Discussions about “college” versus “university”
- Facilities Review Planning group, awaiting a report on the capacity of prospective donors being done for Advancement..

4. Provost Stampp introduced Mark Figueroa, the new Director of Institutional Research.

5. Past Chair Washbourn made a motion to change the agenda to add a resolution under New Business regarding the presidential search, which was seconded by Senator Gorsch. Motion approved 11-1-0.

OLD BUSINESS

6. Vice Provost Job Description - It was agreed that the number of agenda items would not allow sufficient time to discuss the job description for the vice provost. A MOTION was made by Past-Chair Washbourn and SECONDED by Senator Temple to table the issue for two months, all agreed.

NEW BUSINESS

7. Statement Regarding Violations of Principles of Shared Governance by Provost Stampp – A MOTION was made by Senator Temple and SECONDED by Senator Carlile to accept the statement.

An explanation of the term “at will” was requested. Br. Craig answered that “at will” is an employment term, deans are tenured to the college and have retreat rights.

Charles Hamaker stated that the vice provost position was provisional during the two-year transition period to the provost model, and he asked when that status changed. Senator Peterson responded that the Senate was told that a new president may not wish for the Provost or the Vice Provost to stay in their positions. Chair Sauerberg clarified that the statement refers to the permanence of the person occupying the position, but not the permanence of the position itself. Provost Stampp said she is expecting a smooth transition.

Professor Luquet said she understands the Provost’s reason for rewarding Vice Provost Sweeney for giving up her sabbatical and continuing on in the role of vice provost through the transition. However, there are many options that can be used to reward people in special circumstances other than the permanent title.

Chair Sauerberg said there is no disrespect for Frances Sweeney or Sally Stampp, but the institution has fallen into the pattern of not conducting searches for academic administrators. Searches are conducted for faculty positions, in strong contrast to the approach taken in filling administrative positions. The Senate was not consulted for the

appointments of the Dean of Science, Dean of Economics and Business Administration, the Academic Vice President, the Provost, and the Vice Provost. There is no shared governance when there is only informal consultation followed by appointments.

Senator Temple said the Senators' authority is clear, they have been elected to be the faculty representatives, but the power of the Senate needs to be discussed, negotiated, and made explicit in writing. The lack of shared governance is becoming institutionally damaging. He acknowledged that there is good will on all fronts, but the Senate should be consulted as the representatives of the faculty.

Senator Carlile said the Senate could have been consulted; the Senate could have balanced the situation and the emergency and offered suggestions, but there was no chance to do that. The decision was already made and the Senate was told, not consulted.

Past-Chair Washbourn said the Provost knows that her actions were a violation of shared governance, in fact, she invited the Senators to record their disapproval. It is important for the Senate to make an unambiguous statement that this is in fact a violation of shared governance. Past-Chair Washbourn moved the question, which passed by a two-thirds vote. Chair Sauerberg requested a vote on the amended statement as follows:

Whereas, the Academic Senate of Saint Mary's College acknowledges the difficulties inherent in a time of transition between college presidencies and recognizes the great personal effort that will be required of the Provost, Professor Sara Stamp, and

Whereas, the Academic Senate wishes to support Provost Stamp in her role of providing stability in the transition and understands the potential value of support from Interim Vice Provost Frances Sweeney, and

Whereas, at the Senate Executive Meeting on September 23, 2004 Provost Stamp communicated, for the first time, her intention to unilaterally change the position **appointment** of the Interim **Vice** Provost Frances Sweeney to a permanent position as Vice Provost, and

Whereas the Faculty Handbook contains a clear commitment to shared governance and to the requirement that the chief administrators of the College abide by the principles of shared governance by participating in meaningful consultation with the Senate concerning the selection and appointment of key administrators, and

Whereas Provost Stamp's unilateral decision to change the position of Vice Provost is inconsistent with the Handbook commitment to shared governance in that it did not involve meaningful consultation,

BE IT HEREBY RESOLVED THAT

The Academic Senate expresses its clear displeasure with this unambiguous violation of the principles of shared governance, and

The Academic Senate urges the administration to make a clear commitment to , in the future, adhere strictly to both the spirit and provisions of shared governance as outlined in the Faculty Handbook.

A roll call vote was taken on the amended statement as follows:

Jim Sauerberg Yes
Sam Lind Yes
Penny Washbourn Yes
Keith Ogawa No
Theo Carlile Yes
Joan Peterson Yes
Paul Giurlanda Yes
Tom Poundstone Yes
Robert Gorsch Yes
James Temple Yes
Craig Johnson Yes
Ed Tywoniak Yes

Motion was approved by a vote of 11-1-0.

8. Statement Expecting Full Release of Reports by the Board of Trustees - A MOTION was made by Senator Tywoniak and SECONDED by Senator Carlile to approve the statement.

Jane Sangwine-Yager urged the Senate to approve the statement. She distributed a summary of the events regarding the pledge that she compiled from minutes of the Board of Trustees meetings. The document listed many questions raised about the pledge that have yet to be discussed or answered.

There was some discussion about strengthening the verb “request” in the last paragraph, to substitute “request” with “urge,” “demand,” or “call upon”. A MOTION was made by Senator Tywoniak and SECONDED by Senator Temple to replace “request” with “call upon”. The motion passed by hand vote. Following is the amended Statement.

The Academic Senate of Saint Mary's College hereby expresses its formal appreciation and support for the actions of the President of Saint Mary's College, Brother Craig Franz, F.S.C., and the Provost of Saint Mary's College, Professor Sara Stamp, in repeatedly and publicly calling for rapid and complete release to the college community of all reports created in connection with the unrealized pledge. We echo their calls, and affirm the basic principle of shared governance that all parties receive the information necessary to perform their duties.

We hereby ~~request~~ **call upon** the Board of Trustees of Saint Mary's College to release to the college community, in a timely manner, full and unabridged copies of all reports delivered to the Board as a result of the investigation of the unrealized pledge.

A roll call vote was taken on the amended Statement Requesting Full Release of Reports by Board of Trustees as follows:

Jim Sauerberg Yes
Sam Lind Yes
Penny Washbourn Yes
Keith Ogawa Yes
Theo Carlile Yes
Joan Peterson Yes
Paul Giurlanda Yes
Tom Poundstone Yes
Robert Gorsch Yes
James Temple Yes
Craig Johnson Yes
Ed Tywoniak Yes

The motion passed unanimously by a vote of 12-0-0.

9. Statement Expecting Formal Acknowledgement of Responsibility by the Board of Trustees - Chair Sauerberg reported that Statement was sent to the faculty e-mail list for feedback and discussion. A MOTION was made by Past-Chair Washbourn and SECONDED by Senator Gorsch to approve the following Statement:

The Academic Senate of Saint Mary's College of California hereby wishes to acknowledge the September 22, 2004 statements of Brother Craig Franz, FSC, President, during which he accepted responsibility, as president of the college, for his own actions and for those working for him during the events leading up to the discovery of the unrealized pledge.

However, as stated in the Faculty Handbook, the "governance of the College is ultimately entrusted to the Board of Trustees." Decisions with such profound financial import as construction of J.C. Gatehouse Hall without actual receipt of any pledged monies are not the president's alone but can only be made with approval of the Board.

Therefore, the Academic Senate hereby states its expectation that the Board of Trustees will formally acknowledge its own responsibility in all matters related to the unrealized pledge, including its impact on the future of the College.

Past Chair Washbourn said that a statement should come from the Board of Trustees, along with the report, that acknowledges that mistakes have been made, controls that should have been in place were not followed or nonexistent, and whatever other suggestions that will be mentioned in the report. It is expected that the Trustees will endorse the report and recognize that they themselves were a party to the situation.

Jane Sangwine-Yager pointed out that the Board met in October 1997 and did not mention "the gift". Br. Craig sent the "Christmas angels" letter to the faculty on

December 25, 1997 announcing the gift and the construction of Gatehouse. Who made that decision? The Board minutes do not contain an official resolution to build Gatehouse. It was the policy of the College in 1997 not to build a building unless it was fully funded.

Past-Chair Washbourn said the Board has a fiduciary duty, the President resigned over this situation. The Board is ultimately the party that makes all the financial decisions, appoints the President, manages and evaluates the President's performance, and protects and guards the assets of the College. The issue is whether there were a number of decisions made that were a failure in due diligence, and due diligence is what we expect the Board of Trustees to do. It should be expected that the Board itself will acknowledge that there has been a failure on the part of the Board of Trustees to protect the College, as the President has done. Jane Sangwine-Yager agreed, saying the Board makes all budgetary decisions and it must acknowledge where they made mistakes to ensure that the same mistakes are not repeated in the future.

A roll call vote was taken on the Statement Expecting Formal Acknowledgement of Responsibility by the Board of Trustees as follows:

Jim Sauerberg Yes
Sam Lind Yes
Penny Washbourn Yes
Keith Ogawa Yes
Theo Carlile Yes
Joan Peterson Yes
Paul Giurlanda Yes
Tom Poundstone Yes
Robert Gorsch Yes
James Temple Yes
Craig Johnson Yes
Ed Tywoniak Yes

The motion was approved unanimously.

10. Presidential Search Committee - Chair Sauerberg thanked Professors Theo Carlile, Joan Peterson, and Ted Tsukahara for accepting the positions as faculty representatives on the Presidential Search Committee. He said the faculty took their role very seriously and participated in the nomination process for the faculty representatives.

11. Resolution on the Presidential Search - Chair Sauerberg explained that there has been e-mail discussion regarding the speed in which the Presidential search will take place. A Resolution has been submitted urging the Brother Visitor to appoint an interim President and to lengthen the time allotted for the search through 2004-05, with the goal of having the new permanent president take office by September 2005. A MOTION was made by Past-Chair Washbourn and SECONDED by Senator Tywoniak to approve the resolution.

Senator Giurlanda expressed concern about the clause "...to appoint an interim President who will not be applying for the permanent position..." He said he would not want to prejudice the committee against appointing the Brother serving as the interim President to the permanent position.

Senator Peterson reported that she, Theo Carlile and Ted Tsukahara met with the Search Committee and she conveyed several explanations given by the Board members as to the time frame. The Board members reported that the pool of Brothers is very finite and small and they do plan to keep the time line. The Presidential Search Committee members are energetic and the committee will act quickly. Stretching the search out is bad for the institution, it will be good for the College to have a strong President in place sooner rather than later. The Brothers' Communities and the student representative on the Search Committee agree with the time line. It is expected that 2-4 candidates will be identified by December. It was stated that the time line used to search for Br. Craig was identical. A national search will be open if a Brother is not available.

Senator Carlile added that the committee was not impressed with the concerns raised by faculty regarding the undue haste of the search. She said they were positive about the fact that any candidate seen as a serious finalist would have to receive the full consideration of the faculty, with the on-campus visits, interviews and presentations that have been held in with past searches.

Ted Tsukahara said the pool of candidates in the last search was rather small, and it is anticipated that this pool would be even smaller, given the number of brothers. He said one of the major uncertainties the committee will face is whether there is a brother that will meet the qualifications for President of SMC, and that will need to be determined right away. The search process needs to be moved through the path as outlined first, because if it moves into the spring, we will be faced with an 18 month interim President.

Brother Brendan Madden said that the brothers in the Alemany Community have not discussed the time line, but the appetite is for someone that has already served at SMC.

Ed Biglin explained that his interpretation is that the faculty do not necessarily want a longer search as stated in the resolution, but rather a request for an open process, with real community involvement, looking for people who are genuinely qualified to lead the SMC community, and he urged the Senate to ask for that, not a longer search.

A MOTION was made and seconded to extend the meeting 15 minutes. A suggestion was made by Senator Gorsch to remove the statement "...who will not be applying for the permanent position" and many supported it, but a vote could not be taken for lack of a quorum. The discussion was then suspended.

12. The meeting was adjourned at 5:05 p.m.

Respectfully submitted,
Cathe Michalosky
Academic Senate Secretary