

Minutes of the General Meeting Of the Academic Senate

September 30, 2010

1. The meeting was called to order by Chairperson Steve Cortright at 3:00 p.m. on September 30, 2010. Roll was called and the following Senators were present: Chair Steve Cortright, Vice Chair Tomas Gomez-Arias, Past Chair Tom Poundstone, Keith Ogawa, Michael Barram, Laura Heid, Sam Lind, Joan Peterson, David Bird, and Parliamentarian Joseph Zepeda.

Also present were: Interim Dean Jerry Brunetti, Dean Tom Carter, Provost Beth Dobkin, Laurie Edwards, Sue Fallis, Monica Fitzgerald, Rosemary Graham, Sandra Grayson, Charles Hamaker, Craig Johnson, Chris Jones, Ann Kelly, Ryan Lamberton, Dan Leopard, Dean Zhan Li, Lidia Luquet, Sue Marston, Mary McCall, Barbara McGraw, Jennifer Pigza, Human Resources Director Eduardo Salaz, Jim Sauerberg, Associate Dean Chris Sindt, Vice President Carole Swain, Vice Provost Frances Sweeney, Mindy Thomas, Dean Russ Tiberii, Ted Tsukahara, Ed Tywoniak, Interim Dean Roy Wensley and Dean Steve Woolpert.

2. Minutes of the September 9, 2010 meeting were approved as submitted.

REPORTS

3. Chairperson's Report – Chair Cortright submitted a written chair's report (attached). Chair Cortright announced the removal of agenda item 4.F., Athletic Department Yearly Report, which will be rescheduled for the October meeting.

4. Provost's Updates – Provost Dobkin acknowledged the status of Senate Actions from 2009-2010 as submitted in the Chairperson's Report. She reported that there is one outstanding Senate Action; S-09/10-25: Revised Preamble to the External Speaker and Public Event Policy which was approved at the General Meeting of May 13, 2010. The action has been referred to the President. She noted that implementation of Senate Action S-09/10-22, Proposal Concerning .25 Credit Courses, is currently underway.

Provost Dobkin announced the following:

- Dean searches:
 - The School of Education dean search committee has been convened.
 - The School of Science dean search is in the semi-final stage.
 - The search committee for the Dean for Academic Resources will be announced very soon.
- Academic Blueprint: a list of action items are planned to be completed by the end of the calendar year.
- Proceeding on cost estimates for expansion of the Gallery.
- Working on Budget details to be presented at the Board of Trustees meeting October 14, including a request to restore the pension benefits.
- Moving to an online faculty profile.
- A retention and graduation rate report is being generated for submission to the Board of Trustees.

5. Core Curriculum Implementation Committee (CCIC) – Jim Sauerberg reported there are 12 learning goals of the new core curriculum. The next task was to develop learning outcomes. The learning goals have been divided into three groups of four. Subcommittees were formed for each of the learning goals, and the first four subcommittees met last spring and produced suggested learning outcomes. The learning outcomes were presented and discussed at open lunch sessions during September. The proposed learning outcomes will be presented to the Undergraduate Educational Policies Committee (UEPC) very shortly. Subcommittees have been formed to address the second set of four learning goals and they will ask for feedback from the faculty in October. Subcommittees will then be formed to address the final four learning

goals in late October. Also to be considered is the connection between learning goals and courses. The final goal of the CCIC this year is to develop a proposal for the creation of the Core Curriculum Oversight Committee. The CCIC is right on schedule for their tasks this year.

6. Program Review Committee (PRC) – Senator Ogawa reported as the Senate Liaison to the PRC. The PRC has received one of the 14 expected reviews to be completed this year. Five extensions have been granted. Past Chair Poundstone expressed concern with those departments that are several years overdue with the submission of their reviews.

7. Report on the Mission Assessment Task Force – Chair Cortright introduced Vice President Carole Swain. The Mission Assessment Task Force is charged to develop a tool and process for measuring mission effectiveness. Vice President Swain presented a written draft of the Criteria Related to Broad Mission Outcomes/Themes and requested input regarding the task force’s “work in progress”. Chair Cortright encouraged faculty to submit their comments and questions in writing.

OLD BUSINESS

8. Executive Committee Statement, Open Status of Faculty Meetings - Chair Cortright introduced the following statement. He explained that at the January 2010 Senate meeting, a resolution was approved that called upon the Executive Committee to publish a statement regarding the open status of faculty meetings. The Statement is to be included in the Minutes of the meeting. No objection was noted.

The faculty’s public business should be conducted publicly. General Meetings of the Senate will always be open, as described in the Handbook, 1.6.1.2.9.1 at 2 (General Meetings) and 1.6.1.2.13 (Voice). The meeting schedules of Senate committees—including the Senate’s Executive Committee—will be posted, and interested members of the faculty will be admitted normally as auditors or, at the discretion of the chair, as speakers.

Not all of the faculty’s business is public business. Where the Senate or one of its committees has a duty to render a judgment of merit which could be unduly influenced by the presence of interested parties or by the likelihood that deliberations could be reported or misreported to interested parties, its deliberations may be closed precisely in the interest of the good conduct of the faculty’s business. One such regular duty devolves yearly upon the UEPC and GPSEPC when they meet jointly to consider the merits of sabbatical proposals. But since the duty to undertake judgments of merit may arise adventitiously, responsible officers of the faculty, including the chairs of Senate committees, must be allowed, for good cause, to close all or part of the deliberations over which they preside. The very fact that sensitive deliberations may arise adventitiously entails that the only reasonable rule governing the *ad hoc* closure of meetings is that faculty officers give cogent reasons for their rulings to their deliberative colleagues, to the Senate, and to their faculty colleagues at large.

NEW BUSINESS

9. Resolution to the Academic Senate from the January Term Committee in re: Censure of Administrative Decision to Override the Committee’s Decision Duly Rendered – Chair Cortright introduced the following Resolution, noting that there has been considerable public comment, including letters exchanged between Chair Cortright and Provost Dobkin.

WHEREAS, the spirit of shared governance requires, among other considerations, a firm adherence of all College entities to the principle that the faculty is the body chiefly responsible for the administration of the curriculum to the students,

WHEREAS, for the purpose of administering the curriculum to the students, the Faculty Handbook establishes (1.7.4.11) a faculty committee and certain procedures by which proposals for the several courses

offered during the January Term are vetted, evaluated, and approved or disapproved, according to approved and published criteria,

WHEREAS, the special considerations due in the evaluation of travel courses require the committee to be particularly careful in its decision to approve such courses,

WHEREAS, the senior administration of Saint Mary's College has overturned the considered judgment of the January Term Committee by fiat, for reasons other than pedagogical, impartial, and prudential,

WHEREAS, we affirm that the decisions of faculty committees with curricular responsibility should in practice be overturned only if there is some evidence that established procedures have been ignored or applied unfairly, that is, when the committee's procedure has *failed*, rather than when the procedure has returned a result distasteful to some one person or group of persons,

BE IT RESOLVED, that the Academic Senate censures strongly the decision of academic administrators to override the Committee's decisions, and notes that the repetition of such autocratic administrative actions invites faculty to withhold their participation in the institution of "shared governance."

A MOTION was made by Past Chair Poundstone and SECONDED by Senator Heid to approve the Resolution. Past Chair Poundstone thanked Provost Dobkin for her public response; he appreciated her statement that there were no grounds for grievance against the January Term Committee. He clarified that the Resolution called for censuring a decision, not an individual. Speaking in favor of the Resolution, Past Chair Poundstone explained that the administrative decision is most disturbing: it encourages disaffected faculty to seek a remedy by influence rather than by argument in the appointed deliberative forms.

Barbara McGraw said the principles of subsidiarity and student focus are breached by the actions in this case. What, she wondered, does it say about us as a Catholic institution that a process like this could happen? It is a violation of our Catholic values. Lidia Luquet added that this action invites people to go to the top to resolve their problems.

Sue Fallis noted that the January Term Director reports to the Vice Provost. Vice Provost Sweeney is on record as supporting the January Term Committee's decision, which was unanimous and responsive to the evaluation criteria each individual wishing to submit a January Term proposal must review online. One of the criteria is consistency with mission, on which the subject proposal did receive a very high rating.

Provost Dobkin explained that over the summer she had extensive conversations with the January Term Committee and the complainant. She went on record reaffirming the January Term Committee had arrived at its decision duly. When is it appropriate for those that believe a mission-critical idea must be allowed to step in to override a decision duly drawn to the contrary? The Handbook does not speak to a moral authority to intervene in order to maintain the mission of the College.

Dean Woolpert noted that the faculty member involved had enlisted allies in attempting to undo the decision of the January Term Committee. That kind of intercession is demoralizing. What is missing from the resolution is disapproval of the decision of the faculty member to engage in conduct which does not contribute to the effective operation of the College in academic matters as called for by Section 1.6 of the Faculty Handbook. Vice Chair Gomez-Arias said the behavior goes against the mission, Lasallian principle, and the respect for procedure essential to Catholic thought. Senator Bird noted that use of resources not available to all faculty to overturn the decision of the January Term Committee subverts the notion of shared, deliberative governance.

The Senate voted a five-minute recess and, as a committee of the whole, drafted an amendment to censure the act of the faculty in this case. The following amendment, to be added as an additional paragraph, was submitted for consideration:

BE IT FURTHER RESOLVED, that the Academic Senate censures strongly the actions of faculty who appeal outside the established procedures and those who lend their influence to the appeal.

Senator Heid spoke against the amendment: focus should rest on the administration as the final decision-maker. Senator Bird spoke in favor of the amendment as a necessary balance to the original “Be it resolved” clause, since the administration should have rejected the appeal based on the fact that the appeal was made illegitimately. Past Chair Poundstone found himself conflicted: a sufficiently grave situation might summon members of the faculty to recruit opposition in any way that offers; however, they should be expected to follow the proper channels. In any case, he continued, the involvement of administrators in this situation is corrosive to the integrity of the established organs of governance; they (administration) might, and should, should, have returned the matter to the committee in light of renewed argument. Rosemary Graham commented that the amendment seems to censure future behavior, a strange undertaking.

A roll call vote was taken on the amendment as follows:

Steve Cortright	Present	Laura Heid	No
Tomas Gomez-Arias	Abstain	Sam Lind	No
Tom Poundstone	No	Joan Peterson	Yes
Keith Ogawa	Yes	David Bird	Yes
Michael Barram	No		

The amendment was defeated by a vote of 3-4 with one abstention.

The following roll call vote was taken on the Resolution as originally submitted:

Steve Cortright	Present	Laura Heid	Yes
Tomas Gomez-Arias	Yes	Sam Lind	Abstain
Tom Poundstone	Yes	Joan Peterson	Yes
Keith Ogawa	No	David Bird	Yes
Michael Barram	Yes		

The Resolution was approved by a vote of 6-1-1.

10. Resolution to the Academic Senate from the Faculty Welfare Committee, in re: Restoration of Pension Contribution – A MOTION was made by Senator Barram and SECONDED by Senator Lind to approve the Resolution, which follows:

Whereas the College reduced its contribution rate to TIAA-CREF from 8.25% to 2.00% in 2008 as a response to financial pressures; and

Whereas the College’s current retirement contribution of 3% of income is universally viewed as insufficient and out of line with the nationwide average of 10% of income; and

Whereas the current rate will lead to faculty delaying retirement, creating future costs to the college and reduced vitality associated with an aging faculty; and

Whereas due to strong enrollment the College expects to generate substantial excess revenues even after adjustments for costs associated with that increased enrollment;

Let it be resolved that the Academic Senate calls upon the College to immediately restore its pension contribution to the traditional 8.25% level and to provide a long term plan for a 10% contribution level.

Senator Barram introduced FWC Chair Chris Jones. The FWC had presented a report at the General Meeting of September 9, indicating that the national average for pension contribution is 10%; that virtually no colleges made reductions in their retirement contribution as drastic as Saint Mary's. The FWC finds that in the long-term this reduction will harm the College as well as its employees: it will delay retirements among full professors and damage the College's prospects for recruiting and retaining younger talent. Chris Jones clarified that the Resolution asks for "immediate restoration," not a restoration in FY 2011-12.

Senator Lind called the question, which was approved by hand vote. A roll call vote was taken on the Resolution as follows:

Steve Cortright	Present	Laura Heid	Yes
Tomas Gomez-Arias	Yes	Sam Lind	Yes
Tom Poundstone	Abstain	Joan Peterson	Yes
Keith Ogawa	Yes	David Bird	Yes
Michael Barram	Yes		

The Resolution was approved by a vote of 7-0-1.

Past Chair Poundstone objected to the fact that the question was called without any opportunity for discussion of the Resolution: It is a flawed process that does not allow discussion on a major resolution.

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

Respectfully submitted,
Cathe Michalosky

Chair's Report
Academic Senate General Meeting
Thursday, 30 September, 2010

Announcements

Senate Membership

In my report for the General Meeting of 9 September, 2010, I noted that all tenured members of the SEBA faculty who are *prima facie* qualified to assume a Senate seat and who are neither seated for AY 2010 – 11 on a faculty committee nor coming off AY 2009 – 10 service on a high workload committee had declined appointment to the SEBA seat vacated by Phil Perry. As promised, since September 9, I have contacted all members of the group of SEBA faculty who are (1) qualified *prima facie*, are (2) not coming off “high-workload” assignments from 2009-10, but are (3) presently elected or appointed to a Senate/faculty committee not designated “high workload.” From one I have not had the courtesy of a response; all others have declined. I shall now contact *all* tenured, qualified members of the SEBA faculty with a final appeal.

Committee Memberships

I am still seeking a tenured member of the graduate faculty to fill a seat on the Library Committee, in this, a year when that committee will pursue planning for a new library building, and may play a leading role in the search of a new Dean for Academic Resources and Director of the Library. Interested ranked—not necessarily tenured—members of the graduate faculty are, once again, cordially invited to apply.

Remarks on the Agenda for 30 September, 2009

Reports

In re: B. I have asked the Provost to include in her Up-date remarks on only one among 2009-10's Senate Actions, *viz.*: Senate Action S-09/10-25: Revised Preamble to the External Speaker and Public Event Policy, approved at the General Meeting of 13 May, 2010 and sent to the Provost on 18 May, 2010. In her response to the action, 7/1/2010, the Provost observed:

I have begun initial discussions of the “New Preamble for the Speaker Policy” with the President, and I understand that he does not wish to be quoted in the Faculty Handbook. Therefore, I support Senate Action S-09/10-25 with omission of the third paragraph, beginning “That is also the charge of a university.”

And she continued:

Of course, further consideration of this action depends on the response of the President and action of the Board, if the President decides to forward it to them for approval.

The Provost has agreed to up-date the Senate as to what further discussion, if any, has occurred or is in train to move the unobjectionable paragraphs to the Board.

For my part, I would point out to the Senate that the Provost's consideration that further action on the Revised Preamble hangs without qualification on the response of the President is not wholly accurate. Upon consideration of the Provost's remarks, the Senate might elect to move a resolution under Handbook 1.6.1.2.10 at 3, which would be in order under the rules for a General Meeting.

On all other Senate Actions but one—viz., those appearing immediately below—the Provost registered her acceptance without comment.

Business Agenda

- S-09/10-1 Implementation process, Core Curriculum Implementation Committee
- S-09/10-2 External Speaker and Public Event Policy
- S-09/10-4 AARC, Proposed Handbook revision, 1.7.4.8 (add advising oversight to role of AARC)
- S-09/10-6 Three-year Academic Calendar
- S-09/10-7 Collegiate Seminar Governing Board: Revised Membership to provide for faculty election to the Board, FH 1.7.3.8
- S-09/10-11 January Term Committee: Revised membership to provide for faculty election, FH 1.7.4.11
- S-09/10-13 January Term Committee membership: Revision to Handbook language, FH 1.7.4.11
- S-09/10-14 Staff Council: Proposal for improving Faculty-Staff Relations
- S-09/10-16 Sabbatical Protocols & Timeline for Consideration, FH 2.10.1.4; Deferral Policy, FH 2.10.1.4 at 9.; Revised Sabbatical Forms A, B & C
- S-09/10-19 Commendation for Brother Gabriel Carlos Gomez-Restrepo, FSC
- S-09/10-23 Senate Charge to the Collegiate Seminar Governing Board in re: Core Curriculum Revision

Consent Agenda

- S-09/10-5 CA New Course Proposal: Liberal & Civic Studies 123: Modern Global Issues
- S-09/10-9CA Performing Arts, Theater: Proposal for Technical Theater/Design track
- S-09/10-10CA Psychology 104: Proposal for Change of Title and Description
- S-09/10-12CA Anthropology: Curriculum Revision
- S-09/10-15CA Performing Arts, Theater: Revised Theater Minor
- S-09/10-19CA Environmental Science & Studies Program: Revisions
- S-09/10-20CA Center for International Programs: Proposal for Studies Abroad, Fudan University, China
- S-09/10-21CA School of Education: Masters in Teaching Leadership Program (MATL)

By way of accepting Senate Action S-09/10-22, “Proposal Concerning .25 Credit Courses,” the Provost noted that a change in College billing practices, namely, to discontinue applying 0.5 (unused) credits against additional (*e.g.*, fifth *v. sqq.*) 1.0-credit courses, is implied in the Senate language and would be implemented with the Proposal. The Provost’s interpretation jibes with that of the (then) Senate majority, rendering further comment superfluous.

In re: E. Members of the Mission Assessment Task Force (appointed January, 2010 by the President), charged under the San Francisco District Mission Assembly Action Plan and BoS 1.8 to develop an instrument and process for assessing SMC’s effectiveness at pursuing the College’s Mission, will report to the Senate at the 30 September General Meeting. Copies of the MATF’s document “Criteria Related to Broad Mission Outcomes” have been distributed to the Senators; the document is posted on the Senate webpage for perusal by interested members of the faculty. The Chair will reserve time *ad libitum* for the members of the Task Force to take evaluative comment on the document from the members of the Senate and, time permitting, from faculty at large.

Old Business

At the General Meeting of January, 2010, in response to queries from (then) Chair of the UEPC, Hoang Vu, and from the floor, the Senate passed a motion, Senate Action S-09/10-8, calling upon the Executive

Committee to issue a clarifying statement on the open status of meetings of Senate/faculty bodies. The Executive Committee has duly drafted an:

Executive Committee Statement Open Status of Faculty Meetings

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New Business

In re: A. A "Resolution from the January Term Committee" was advanced to the Agenda by unanimous decision of the Executive Committee; the Chair will introduce the resolution and the Past Chair will move it on behalf of the Executive Committee.

The Executive Committee are acting at the request of the January Term Committee (JTC), to address implications arising from recent, extraordinary administrative intervention into the JTC's sole responsibility, under Handbook 1.7.4.11, to "review proposals for courses offered during [January] term." The Chair, at his instance, has met with the Director of the January Term and with the JTC, at that Committee's instance.

The Executive Committee lay the following facts before the Senate: the Provost has directed JTC to reverse the results of its review of a course proposal. As communicated to JTC, that directive rested neither on new evidence concerning the proposal's merits nor on any credible allegation of inadequate or otherwise improper consideration on the part of JTC; and, in fact, the Provost had already advised JTC of having found no cause for grievance arising from the Committee's original decision.

JTC has addressed a letter to the Provost disclaiming, among other matters, that the course's appearance among the 2011 January Term offerings either implies the Committee's approbation or warrants the inference that it meets ordinary standards for inclusion.

The Executive Committee note that the case in point appears in the character of mere *fiat*, and to that extent affronts the principles of shared governance on its face. The directive abrogates the action of a faculty committee in matters that fall, by explicit Handbook provision, under that committee's principal competence. The directive is not advanced on grounds of dereliction by the committee. Rather, it appears merely to substitute an administratively desired *result* for the deliberate, public *judgment* of the Committee: that is the very pattern of arbitrary governance. In the view of the Executive Committee, the January Term Committee

resolution properly censures this instantiation of arbitrary governance and correctly evaluates its continuation's predictable effects on the institutions of shared governance.

In re: B. Vice President for Finance, Pete Michell's, report that increased enrollments will put the FY 2010 – 11 operating budget "solidly in the black" raises the possibility of mid-year amendments to the spending plan. The resolution from the Faculty Welfare Committee looks to put the faculty on record in favor of prioritizing the restoration and enhancement (in effect, the recouping) of TIAA-CREF contributions, drastically reduced (to 2% and, since 1 July, "raised" to 3% of salary, a level that leaves SMC "an outlier even among the outliers") beginning in FY 2008-09.

Respectfully submitted,

S. A. Cortright, Chair
Academic Senate