

Faculty Affairs Committee

MINUTES submitted by K. Davis

Wednesday, November 3, 2010

11:00 a.m. – 5:00 p.m.

Thursday, November 4, 2010

8:00 a.m. – 10:00 p.m.

Chancellor's Office, Room 210

Attending: B. Cheyne, T. Snell, S. Filling, M. Foroohar, J. Lessow-Hurley, K. Davis, R. Sabalius, M. Thobaben, G. Brodowsky

Also attending: Leo Van Cleve for CO

1. Approval of the agenda and prioritization of discussion items

- 7.12 added: (Foroohar) Observance of Religious Holidays and Campus Calendars
- 7.13 added: discussion of writing a CSU system-wide policy for academic freedom
- 7.14 added (Thobaben): FA write a letter to the Governor about appointing a Faculty Trustee
- Removed 7.3, 7.4 and agenda item #4
- Revised agenda approved: M/S/P (Filling/Foroohar)

2. Approval of the minutes for October 15, 2010: M/S/P (Davis/Lessow-Hurley)

3. Announcements: FAC Chair Cheyne reported back from Senate Chair Postma re: his response to 2 issues emerging from October's FA interim.

- a. Archiving emails: Chair Postma will follow up with new EVC.
- b. Expectations surrounding faculty members' presence on campus and collateral duty compensation for FERP: Postma reported that both are CBA issues to be taken up with CFA.

4. Review of Chancellor's Response to September Plenary Resolutions: Removed from agenda via consensus under Item #1.

5. Reports

5.1 Craig Smith: Discussion of Ceballos/Garcetti (11:30 a.m.)

- Smith felt we are indeed "on the right track" with our FA resolution.
- Recommends we follow the lead of the AAUP – also recommends we shorten the resolution.
- Rationale is good.
- First resolved: refers to "troubling implications" but can we be more specific up front? E.g. infringements upon academic freedom resulting from the interpretations of the Supreme Court decision coming from Garcetti.
- Craig noted that we also have Whistle Blowers legislation in effect.
- Noted that we don't have first amendment rights, nor do students, in the classroom to discuss "whatever we want" – we have academic freedom not 1st Amendment rights.

- We might consider referring to the CFA's bylaws' statement on academic freedom.
- It was raised: should we change our Senate bylaws to strengthen academic freedom?
- Various cases of defamation/accusations against professors were discussed.
- FA members suggested we amend the current draft resolution per Craig Smith's suggestions **and** simultaneously come up with some language to amend ASCSU bylaws.
- It was suggested we write a detailed policy on academic freedom – some campuses have professional responsibility policies Would this be duplicating the AAUP policy? Perhaps not since AAUP policy is 60 years old.
- Smith offered us his edit of the FA Garcetti resolution which was submitted to FA Chair Cheyne who will revise the resolution accordingly.

5.2 Gail Brooks and Margy Merryfield (CO) (1:00 p.m.)

- Discussed pension reform: there will be changes for new hires.
- Law passed in special session SB 622 (“none of us were aware of it”) which takes us back to the benefits provided by CalPERS in the 90s: 2% @ age 60 and instead of one year as highest year calculation of pension it is the average of 3, effective January 15, 2011 – if hired after January 15 employees are under this new plan.
- CO has been talking with CalPERS – many “what ifs” – what if campus is in the midst of hiring process that takes a long time – if process continues past January 15, candidates may walk away from job offers.
- What if candidates are already vested in CalPERS or with UC with reciprocity or if they leave and come back to the system as a re-hire? CalPERS doesn't have answers yet.
- Gail will work on an implementation plan for the strategic vision and goals with a working group (participants not specified).
- Re: bargaining – a reminder: the themes are “academic quality” and CBA “procedural clarity” by the CSU.
- For updates see HR website of CO under “Labor Relations.”
- Per questioning: Brooks reaffirmed that CSU is not proposing to eliminate FERP or change the duration, but have not seen CFA's proposal.
- HR recommends that faculty apply for FERP now though we cannot say for certain whether we will be operating under the old or new contract. That is to be determined.
- Margy: CSU wants to do a biennial systemwide Climate Survey (no details were discussed). This would be for all employees not just faculty.
- Merryfield shared some of what her area is working on within HR which included a New Chairs' workshop; Webinar for Dept Chairs: <http://centralstationu.calstate.edu>, and a Webinar for those involved in faculty/administrative searches/recruitment: <http://centralstationu.calstate.edu/howthingswork/>
- Question for Margy: one campus realized there is no formal training for department chairs and no support for training Deans. Brooks/Merryfield agreed that training for chairs was an area of significant need. The point was raised: many chairs do not have managerial skills and are in need of such training.

5.3 Beth Ambos (CO) (2:00 p.m.)

Beth provided FA with an update on Joint Taskforce on Patents and Technology:
Task Force was charged with looking at patents (not copyright issues). TF came up with joint

principles. Process was slowed down due to CFA's interest in some of the issues. In the meantime there was a national furor around tech transfers related to federally funded projects because there is a clause in every federal grant that says there should be an effort to commercialize any product from a federal grant. So the TF is focused on matters related only to contracts and grants, looking at core principles in devising their policies, respecting campus policies, and maintaining compliance with federal government. Have identified people who can do licensing, what capacity is in the system, how existing offices might serve other campuses, i.e., identification of administrative services that would support tech transfer that emerges from grants and contracts. What would this look like? What would it cost? San Diego State already has extensive services. TF is looking at various options, including ways to make it possible for SDS to service other campuses.

5.4 Margy Merryfield (CO): Deferred to afternoon as a joint presentation with Gail Brooks (see above).

5.5 John Travis (CFA) (1:30 p.m.)

- The elections were important – Whitman has little affection for public employees and unions – Brown looks more promising.
- Lt Governor's office – he is now a BOT trustee – CFA endorsed Newsom – he won.
- CFA also supported Kamala Harris for attorney general – she MAY have won.
- Torlakson won as Superintendent of Public Instruction – he has assured us he's interested in CSU as a new trustee.
- CFA took positions on two ballot propositions 24/25: 24 supported corporate tax loopholes and went down in defeat; 25 related to a majority vote on budget – it passed – we think it will help at least some.
- All in all, from a Democratic party perspective, California fared much better than the national legislature.
- Bargaining: his POV is that historically in CFA's negotiations with the CO there has been a process where each side selects one of their Sunshine Proposals and they take turns exchanging, discussing and ironing them out. But this time CFA started out (see calfac.org) with layoff, Art. 38. Why 38? It is very important because of hard times in California. There were some notices of layoff sent out this past year, and CFA thought system wasn't working as it was intended to work.
- The CO also introduced 2 other articles (Article 12 Appointments and Article 15 Evaluations). CO said 12 & 15 were "a package" – which kind of caught CFA by surprise. CFA asked: what problems did the CO think it was addressing when it proposed to change CBA language?
- In essence, CO wants takebacks from the CBA – the union is concerned because so many bargaining unit members are lecturers who already have limited Article 12 job security. Longterm lecturers have the security of a 3 year contract, but it is not like tenure. The CFA thinks the CO wants to remove the protections the CBA offers to contingent lecturers.
- Increasing management prerogative is apparent in CO's layoff Article 38 change suggestions which would transfer decisions about layoff of any employees to the President no matter what kind of employee it is. President would no longer have to consider seniority as a factor in terms of who to keep and who to lay off.

- Re FERP, confirmed information provided by the CO that FERP's definition wouldn't change but 2 other changes are being suggested. One has to do with the assignment of work (there was a major grievance on this) The FERP article says when FERPers teach, it's as a tenured faculty member (who typically receives 12 WTU teaching + 3 WTU collateral duties). The CO is suggesting that FERP can be only teaching (eg. 15 WTU of teaching with no collateral duties).
- Overall the climate is not propitious for bargaining on either side (hard times).
- Re legislation: Early Start is a BOT initiative but CFA is very concerned about it so is talking to the chair of the Higher Ed committee in Sacramento. In particular the CFA is concerned that Early Start negatively impacts disadvantaged groups.
- The CFA also is looking into online remediation, particularly its success rate? Some studies indicate a very low success rate.
- CFA also is concerned about the Red Balloon initiative in that it looks top down where the faculty's role would be kept to a minimum because they are obstructionist. There are 7 campuses currently involved in the Red Balloon initiative.
- Expressed concern for the BOT suggestion of a 5% immediate and 10% next year fee increase for students. Also expressed concern that some "fees" may become "tuition," which the union believes contradicts the Master Plan's promise of an accessible education for all Californians. An additional concern re fees vs. tuition is the union's belief that the expenditure of fees can be easily tracked whereas tuition cannot.
- Travis asked 2 questions by FAC members:
 - 1: Why would CFA take its stand (opposition) to student fees if it is primarily and fundamentally a faculty support organization? A: What affects the students and student body also affects the faculty and therefore is a CFA issue.
 - 2: Does CFA take a stand about the hiring/recruitment of faculty who will teach exclusively online, in terms of their on-campus faculty responsibilities at their home campus (if any)? A: No stance taken, as yet – will talk about it with bargaining team

5.6 Diana Guerin (ExCom Liaison): No report.

6. Resolutions

- 6.1 Implications of the U.S. Supreme Court's decision in *Garcetti v. Ceballos*: FAC reviewed Craig Smith's suggestions (detailed above) and made appropriate revisions
- 6.2 Public Education Leadership and Political Neutrality: FAC worked on perfecting this resolution
- 6.3 Affordable Learning Solutions Initiative (co-sponsor with FGA and AA?): FAC decided not to cosponsor FGA's reworded resolution, as it does not adequately address FAC's main issue of concern regarding faculty prerogative and therefore faculty rights in choosing curricular materials.
- 6.4 ASCSU-CSU-CFA Joint Report on Student Opinions of Teaching Effectiveness: Postponed until January.
- 6.5 Amendment to the ASCSU Constitution regarding Academic Freedom (Foroohar and Cheyne): Postponed to December to introduce in January.
- 6.6 Percentage of tenured and tenure-track faculty and ACR 73 (Filling and Lessow-Hurley): Now entitled: "Setting the Stage for Quality Education in the CSU." Suggestion made that we call upon the BOT and CO to comply with ACR 73.

- FAC worked to perfect the resolution
- 6.7 Chancellor’s Office response to NoteUtopia.com (Cheyne): “Sale Distribution or Publishing of Class Materials for Commercial Use.” FAC worked to perfect the resolution.
- 6.8 Other: FAC crafter and will request a waiver on the resolution “A Call for Governor Brown to Appoint a Faculty Trustee.”

7. Discussion Items

- 7.1 Access to Excellence and Global Awareness (Sabalius):
- Sen. Sabalius spoke to one of the original crafters of this initiative and other experts in the field. Feedback was positive: some business programs now are requiring International experience and a focus on global curricula/internationalized content and programs. Romey also spoke to his IP local campus office. Their only complaint was lack of funding for such global initiatives. Therefore, at least at SJSU, there appears to be no problem. Other Senators agreed – many pockets of funded and under/non-funded activities are happening on many campuses but it’s hard to get data from around the campus to find out which departments are offering this kind of experience.
 - Van Cleve was asked about rumors heard by faculty on one campus regarding how international students “count” or “don’t count” toward enrollment targets, FTE, etc. Van Cleve demystified how the system works – international students pay their own way and do **not** “take the place of” local students.
 - Two questions arose: How do we emphasize the value of an international education and international students in our classrooms? How can ASCSU properly market what is already happening without creating new expenses or programs? Leo reminded us that internationalization is not just about student mobility, i.e. students coming in and students going abroad. Internationalization also entails global awareness – a central part of Access to Excellence.
 - In the OIP’s latest report it is recommended that each campus name a senior international program officer. This has been ongoing for the past 2 yrs. A website will be developed from this working group, but it has been difficult to gather stats because until now there has been no central database of international programs and how they are implemented on each campus.
 - Overall, findings indicate that Access to Excellence’s goals are being met in many ways.
- 7.2 Report regarding *Joint Task Force on Patents and Technology Transfer* – Ambos: See 5.3 above.
- 7.3 Graduation Initiative (removed from agenda by consensus under Item #1 above)
- 7.4 Early Start (removed from agenda by consensus under Item #1 above)
- 7.5 Response to recent and current legislation: Discussion deferred to next meeting.
- 7.6 Self-Support Summer Sessions/Graduate Programs and integrating summer into the curricular structure of the CSU: Discussion deferred to next meeting.
- 7.7 Chair interference in faculty grading: Bernadette will check with Kevin Baaske regarding the status of this agenda item.
- 7.8 Supporting Faculty Research, Scholarship and Creative Activities (RSCA) within the CSU Mission: Discussion deferred to next meeting.

- 7.9 Systemwide Taskforce on the Extended University (chaired by Karen Haynes, President of CSU San Marcos) – Brodowsky: Discussion deferred to next meeting.
- 7.10 AAUP report on "Tenure and Teaching-Intensive Appointments" – Davis: Discussion deferred to next meeting.
- 7.11 "Red Balloons" campaign – Filling: Discussed the need for clarification regarding this initiative. The matter will be raised during the committee report during the plenary.
- 7.12 Observance of Religious Holidays and Campus Calendars:
- Table the notion that FAC make a resolution lest we step on a "hornet's nest" of defining what is or is not considered a religious holiday – that issue is too complex.
 - Concerns expressed re how to maintain separation of church and state, while respecting and being sensitive to students' religious preferences.
 - A lengthy discussion ensued which seemed to conclude with general agreement that this was a very tricky issue – there are more religions and holidays than can possibly be accommodated.
 - Most agreed that a case-by-case approach prompted by the student approaching the teacher is most successful (rather than a campus-wide attempt to accommodate just one religious group by changing the school year calendar, as cited in one example).
 - Possible recommendation: changing instructor drop policies to reflect additional student absences due to holidays

8. Adjournment