THE MINUTES OF THE ACADEMIC SENATE (AS-1)

CALIFORNIA STATE UNIVERSITY, FRESNO

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Office of the Academic Senate

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September 11, 2023

Members excused: M. Botwin

Members absent: N. Akhavan, K. Carrillo, M. Hernandez, M. Jackson, R. Klepper, R. Sias, B. Taylor

In-person attendance: 28 Zoom attendance: 28

The Academic Senate was called to order by **Chair Hall** at 4:07 p.m. in Library room 2206 and via Zoom video conferencing.

1. Approval of the Agenda.

*Motion to approve agenda*

*Seconded*

*Vote on the agenda: approved*

1. Approval of the Minutes of 5/1/23.

*Motion to approve minutes*

*Seconded*

*Vote on the minutes: approved*

1. Communications and Announcements.

Communications from Provost Fu

The Provost gave a presentation on upcoming WASC accreditation with presentation slides.

*Questions for Provost Fu:*

**Senator Holyoke**: This would allow a 10 year approval, even with streamlined path?

**Provost Fu**: Yes, we expect to get it

Communications from Statewide Senator Susan Schlievert

Appointed chair of Academic Affairs Committee and on Chancellor's GE Advisory Committee; Committee began by discussing what next generation of students want, what's shaping enrollment, are there policies/structures that might impede progress; metrics; increased number of credential granting bodies (certificate programs and badges that are becoming popular); discussed AB 927 (community college baccalaureate degree); does not look like current ones are duplicative; San Quentin prison degree; discussing AB 928 pathways for transfer students; I was notified that there will be regular meetings with Deputy Vice Chancellor to discuss GE

*Questions for Senator Schlievert:*

**Senator Holyoke**: Why focus on GE again?

**Chair Hall**: Is the problem still alignment?

**Senator Schlievert**: They passed AB 928 for transfers, but that got mingled with everybody; We start in a couple of weeks, let me know if you have comments or questions.

**Chair Hall**: I hope that GE for now is not an issue and we're as aligned as we need to be.

1. Consent Calendar
   1. Finance Business Law Department Name Change

*Approved*

1. New Business

*None*

1. Resolution – Establishment of Ombudsperson Positions

*Michael Jenkins recognized by Senator Stillmaker*

**Senator Mulhern**: What are your thoughts about saying ombudsperson instead of ombuds?

**M. Jenkins**: This was the language eventually approved, from ombudsman. The Senate may change it.

**Senator Mulhern**: Is it the case that ombuds is a less neutral term than ombudsperson?

**M. Jenkins**: I couldn’t speak to that.

**Senator Bryant**: This says it will be an independent office, but somebody is going to hire this person and they will report to someone. Where is their salary coming from? And would the recommendation be that this person is an attorney?

**M. Jenkins**: That varied by campus, I can't speak to what our campus will do.

**Senator Holyoke**: I have concerns about this, although well-intentioned. Cost of these three positions, they could be turned into faculty tenure-line positions. The concerns about Title IX and other offices means the solution would be to untangle those problems rather than another layer of administration. Hiring more people is not the right answer.

**M. Jenkins**: The alternative is to let people drift around. If anybody has been through the process to reconcile an issue at the faculty level with the union, they’re just cut loose. I've been at universities with ombudsperson guidance, felt it reasonable to do the same thing. It's more bureaucracy, but at least you have a friend, hopefully, in an ombudsperson.

**Senator Pitts**: What you're proposing is an advocate for students to receive assistance navigating process?

**M. Jenkins**: Students, faculty and staff.

**Senator Pitts**: Is that likely going to run into problems, given they are paid by the University?

**M. Jenkins**: This has come up in the past with ombuds who are in the Office of the President. It would have to be handled carefully and thoughtfully to not create that type of problem.

**AVP Schmidtke**: Went through ombuds training. They are not an advocate; their position is that they do not advocate. They direct to resources and information on options.

**Senator Roach**: Since this is recommended in Cozen O’Connor report, would you be open to adding a bullet point about it? I can make a motion to add it, but can you tell us where?

**M. Jenkins**: I will leave it to you to decide.

**Senator Ram**: We're asking for three new positions that would be administration, but we're not sure where they would fall. Don't know anything about the cost. Do you have a sense of their particular issues and how they overlap with offices on campus?'

**M. Jenkins**: Could compare to what Title IX task force recommends to decide where there are holes to make sure they are informational resources instead of causing administrative overlap.

**Senator Ram**: We need to determine cost and what this person would do.

**Senator Wise**: Do other CSUs have these positions? Can we use their structure as a template?

**M. Jenkins**: Yes, we can do research and get back to you.

**Senator Smith**: As a person who would have benefited by an ombuds person, we want to put this in financial terms but we're talking about harmed human beings, it would probably be easier for us to hire people than unravel the bureaucratic issues that exist

*Loretta Kensinger recognized by Senator Holyoke*

**L. Kensinger**: Can you help me think through what CFA representation doesn't do, and what the APM doesn't do, and Provost’s Office/FA doesn’t do, that this position would do? What does this get us except for another layer with the existing three offices? It is pretty serious that we don't know where this is going to get handled. Handing more power to Student Affairs is a real concern, and not having things under the Provost’s Office is a real concern. Where have other CSUs placed this in their infrastructure?

**M. Jenkins**: We know that it should not go under administrative oversight, so you put it somewhere that would not have that type of executive oversight but instead provides one-stop shop for getting direction. The Cozen O’Connor report mentioned HR website with nine different steps to go through, and they get lost. Ombuds could help sort that process out. CFA will say it doesn’t fall under their contract. Left disappointed in CFA.

*First Reading*

1. APM 301 – Policy and Procedures on the Appointment of Tenure-Track Faculty including the Award of Service Credit

*David Low, Chair of Personnel Committee, recognized by Chair Hall*

**D. Low**: Some of the problems were more procedural in nature. Major change was to allow search committee members from other departments to address diversity of search committee, in particular for searches that would benefit from diverse committee. None of this is meant to override existing protections in APM 301 for how committees are made up. Other changes including reflecting newest version of Collective Bargaining Agreement and changing pronouns and consulting with Cross Cultural and Gender Center to reflect most well-understood practices.

**Chair Hall**: Our practices are in line with CFA practice?

**D. Low**: Yes.

**Senator Pinzon-Perez**: Want to call attention to questions in chat; Is it only full-time professors who can join search committee, or can full-time lecturers join?

**D. Low**: We made no changes to who is eligible to serve. If memory serves, the answer is no. Lecturers do not serve.

**Senator Holyoke**: Want to make clear on footnote 6 that the committee itself would make this choice on adding committee members from outside department, that no one else can compel the department to do that.

**D. Low**: That is correct

**Senator Lent**: Propose modification. Remove "or" from section XI.10.

*Motion to amend Section XI.10 of APM 301*

*Seconded*

*Vote on the motion to Section XI.10 of APM 301: approved*

**M. Ram**: Footnote 3, does "regarding appointment" mean faculty member or search committee? Suggestion would be to leave it as "academic administrators shall not be involved in the selection of the search committee.”

*Motion to amend Footnote 3 of APM 301*

*Seconded*

*Discussion on the motion:*

*Loretta Kensinger recognized by Senator Bryant*

**L. Kensinger**: Speak against this motion because it changes the broader nature of this particular clause. Small programs are in the situation where they have to ask for chair to serve because otherwise we have to go outside the department. Sometimes the administration has to be arbiter. Concerned about the wording. Now it says administrators absolutely cannot be called upon to help departments decide.

**Senator Ram**: L. Kensinger is misunderstanding the suggestion and objecting to the original footnote. Intention was not to change the content of the footnote, just clarifying what is being appointed.

**Senator Stillmaker**: Point of clarification, on March 20 we did a first reading of APM 301.

**Chair Hall**: It went back to committee, this is a first reading again.

**Senator Stillmaker**: It did come back and have a first reading.

**Chair Hall:** If it’s a second reading, then it’s a second reading. Thank you to Senator Stillmaker for the reminder.

**Senator Mehta**: When we say academic administrators, does that include chairs?

**AVP Schmidtke**: Chairs are not academic administrators. Also, it is part of CBA that lecturers cannot be on search committee.

**Senator Roach**: Agree with L. Kensinger’s comment. What about in consultation with administrators in selection of search committee? What if we reach out to administrator for advice on people who could serve on committee?

**Chair Hall**: D. Low, would you interpret consultation to be disallowed with this language?

**D. Low**: We allowed for consultation elsewhere in this APM.

**Senator Ram**: Why was this footnote needed to be put in? Were you dealing with this problem?

**D. Low**: We were, but will not include more details.

**Senator Ram**: Can we change the language from “shall not be involved” to "shall not participate"?

*Change to proposed language to Footnote 3 of APM 301*

**Senator Stillmaker**: I would not be comfortable with a dean or associate dean helping connect people to join search committee. We don't want them handpicking members.

**Senator Holyoke**: Senator Ram may wish to withdraw her motion and in the meantime consult with L. Kensinger. L. Kensinger brings up a real problem that does occur.

**Senator Ram**: Would rather go ahead with suggestion, and L. Kensinger can revise the language at next meeting.

*Vote on the motion to amend Footnote 3 of APM 301: approved*

**Senator Roach**: Section XI.11 includes one “him/her” that should be changed to “them.”

*Amendment to Section XI.11 of APM 301 accepted as friendly amendment by D. Low*

**Senator Holyoke**: Why do we have department chairs make separate recommendations rather than serve on committees?

**AVP Schmidtke:** If you have multiple searches going on in the same department, this causes conflict for the department chair.

**Senator Mulhern**: Part of the issue is that there is policy about consistency across multiple searches. If chair is making separate recommendation on one search, they must make a separate recommendation on the other.

**Senator Ram**: Add "with the exception of the department chair" to Section III.4

**Chair Hall**: What is the personnel committee’s position on chairs serving on search committees?

**D. Low**: The chair should step aside and make an independent recommendation.

*Motion to amend Section III.4 of APM 301*

*Seconded*

*Discussion on the motion:*

*Loretta Kensinger recognized by Senator Holyoke*

**L. Kensinger**: Would like clarification from committee, is this APM requirement that the chair may not serve? Is it a CBA requirement, or just in our document?

**D. Low**: I will need to check CBA

*The Academic Senate adjourned at 5:15p.m.*

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The next meeting of the Academic Senate will be September 18, 2023.

Submitted by Approved by

Amber Crowell Ray Hall

Vice Chair Chair

Academic Senate Academic Senate