THE MINUTES OF THE EXECUTIVE COMMITTEE

OF THE ACADEMIC SENATE

CALIFORNIA STATE UNIVERSITY, FRESNO

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November 29, 2021

Members present: Raymond Hall (Chair), Tinneke Van Camp (Vice Chair), Rich DeJordy (At-Large), Kathleen Dyer (Universitywide), Xuanning Fu (Interim Provost), Tom Holyoke (former chair), D’Aungillique Jackson (ASI Executive President), Saúl Jiménez-Sandoval (President), Jennifer Miele (At-Large), Rebecca Raya-Fernandez (At-Large), Susan Schlievert (Statewide)

Members excused:

Guests: Venita Baker (Academic Senate), Jim Schmidtke (Interim AVP Academic Affairs), David Low (Chair University Personnel Committee)

The meeting was called to order by Chair Hall at 3:15 pm on Zoom.

1. Approval of the Agenda.

MSC

1. Approval of the Minutes 11.15.21.

MSC

1. Communications and Announcements.

Communications from the Provost:

Campus preparedness in response to a new COVID-19 variant has been discussed at the cabinet. It is estimated that we will need to be careful now and in January and the cabinet will be checking in with the county public health department - a meeting has been scheduled for this week. For now, however, we stay the course.

The Provost extended his thanks to the chairs of the various Dean searches. He is almost ready to make an offer to a new COSS Dean; a background check is still ongoing. He will be able to make a decision soon in the search for a Dean of Undergraduate Studies following background checks.

The Provost has two specific requests for the Executive Committee:

1. It has been difficult to schedule meetings with the members appointed to the search committee for a permanent AVP for Faculty Affairs. This is an important search. There are also many searches ongoing at once, implying that many faculty members are needed to serve. He proposed to extend the interim position for Jim Schmidtke and postpone the search for a permanent AVP to fall 2022. This will also allow for some stability in this office, in which restructuring has been happening.
2. He would like to name an interim Vice Provost, a position that was approved at the last Executive Committee meeting, without a search process. He would like to name Dr. Alam Hasson to this position. Dr. Hasson has been involved in the development of the level B budget model, for instance.

*Regarding the request from the Provost to postpone the search for a permanent AVP for Faculty Affairs:*

**Senator Dyer** supports this request, as stability is needed in this office.

**Holyoke** wanted to make sure that this is in line with the APM on MPP appointments?

**Low** (chair University Personnel Committee) did not see any concerns about extending the position of the interim AVP for Faculty Affairs.

**Senator Dyer** added that the policy allows it. The interim position would have to be limited to 12 months, and after that, the Provost would have to consult with the Executive Committee.

*Regarding the request from the Provost to**name an interim Vice Provost without a search:*

**Chair Hall** wanted to know whether the interim position of Vice Provost would exist until a permanent Provost is appointed?

**Provost Fu** confirmed that this would indeed have to be reconsidered when a permanent Provost is appointed. The interim position of Vice Provost would now be for 6 months.

**Holyoke** asked whether Human Resources is OK with naming an interim Vice Provost without a search?

**Provost Fu** responded that, when he became interim Vice Provost, he was appointed without a search.

**Senator Miele** speaks in favor of the request to allow some continuity in the office.

**Chair Hall** agrees, considering that it has been a trying semester, and added that Jim Marshall will also be retiring as assistant to the Provost.

The Executive Committee unanimously agreed with both requests.

**Provost Fu** added that the members appointed to the search committee for the AVP for Faculty Affairs, which will now be postponed, will be maintained. If members are no longer available to serve when the search committee finally commences, new members can then be added.

*No other questions for the Provost.*

Communications from the President:

The President informed the Executive Committee that a taskforce has been created to investigate concerns about antisemitic views by Henry Madden, our library’s namesake. Dr. Bradley Hart (College of Arts and Humanities) published a book in 2018 in which he refers to compelling letters unveiling antisemitism by Henry Madden. The President has reached out to the Jewish Council, chair Hall and ASI President Jackson, and created a taskforce, including Lukens, Dr. Hart, a representative from ASI, Dr. Fields (Jewish Studies), Malik Zimba, the Dean and Associate Dean of the Library, a librarian, and three other members, who will verify the content of Hart’s book and of 53 boxes with letters written by Madden that our library holds, but that have not been archived yet. They will present a recommendation, *e.g.,* removing his name from the library.

*Questions for the President about Henry Madden:*

**Senator Holyoke** asked the President whether he has seen Madden’s letters.

The **President** has only read one of the letters, a letter Madden wrote to a friend, and the content of it was deeply hurtful.

**Senator Holyoke** also asked whether in addition to the letters containing expressions of antisemitism, Madden wrote to other known Nazis?

**President Jiménez-Sandoval** responded that in his letters Madden clearly aligned himself with the agenda of Nazi Germany and he had deep connections to Germany.

**Senator Dyer** appreciates that this is being tackled head on and wanted to know why the library had been named after Madden.

**President Jiménez-Sandoval** explained that Madden was a librarian when he came to our university. He made a big effort in building the library’s collection, including acquiring old European manuscripts. In 1978 the university was looking for a namesake for the library. Madden had been retired for at least a decade and it was the first time that naming was allowed for someone who was still alive.

**Senator Schlievert** asked how this surfaced now when Dr. Hart’s book has been out since 2018.

**President** **Jiménez-Sandoval** explained that Professor Clune had invited Dr. Hart in her class last week, in which Dr. Hart lectured on Madden for the first time. Dr. Clune and her students then started asking questions. Dr. Hart and Dr. Clune then notified the Office of the President.

**David Low** asked whether there are any living relatives who could contest taking away the naming rights.

**President Jiménez-Sandoval** responded that Madden never married and that in this case naming was not based on funding.

**President Jiménez-Sandoval** moved on to address the potential impact of the new COVID-19 variant, which seems to be an extremely transmissible variant, but with less severe symptoms of illness. The situation will be monitored. The President will be meeting with other CSU Presidents, the Chancellor and experts.

**President Jiménez-Sandoval** also announced that the Fresno State football coach has gone to the University of Washington. A hiring process for a new coach will have to take place.

**Chair Hall** asked whether faculty will be involved in this search.

**President Jiménez-Sandoval** confirmed that that will be the case.

**Chair Hall** also asked whether faculty will have input in the salary for the new coach.

**President Jiménez-Sandoval** explained that the coach’s salary comes from foundation money, not state funding. He will keep a close eye on salary, benefits and bonuses, and will keep the Executive Committee of the Academic Senate in the loop.

Finally, **President Jiménez-Sandoval** mentioned that the budget for GI2025 will be distributed this week, which will allow revising Level A allocations in spring. Before fall 2022, he will provide more information about this to the Executive Committee of the Academic Senate.

*Questions for the President:*

**Senator Dyer** asked about the status of students who indicated in the fall semester that they would not access campus, and whether these students complied, and how many of them will be on campus in spring despite maybe having flaunted campus COVID safety measures.

**Provost Fu** answered that for fall, only unvaccinated students who had no in-person classes had the option of indicating that they would not come on campus and it is difficult to know whether they fully complied. For spring 2022, students will need to recertify if they intend not to come on campus.

**President Jiménez-Sandoval** added that the main focus now is on testing. The number of students who had no in-person classes and indicated that they were not coming on campus is small. A bigger group of students claimed religious exemptions and they needed to get tested every week. We can keep track of card access for students. He added thatthere was strong collaboration with ASI, student cards were being deactivated in case of non-compliance, and students who did not comply were not permitted to enroll for spring 2022. We are being proactive about the spring semester.

**Provost Fu** added that planning for spring is already ongoing.

**Senator DeJordy** asked about faculty non-compliance and how successful we have been to increase faculty compliance.

**President Jiménez-Sandoval** responded that 47 faculty have still not self-certified. They will be receiving registered letters. This group includes part time lecturers. After having received multiple emails and having been contacted by their department, they will now be receiving a registered letter. Consequently, they will not be able to claim that they were not aware of the requirement to self-certify.

**Provost Fu** added that they might actually be vaccinated, without having certified as such.

**Chair Hall** wanted to know what consequences could be attached to non-compliance. Will contracts be discontinued?

**President Jiménez-Sandoval** mentioned that this requires consultation with CFA. He added that, throughout the semester we learned that, upon receiving reminders to self-certify, many explained in response to the reminders that they had not self-certified but were vaccinated, were not on campus, or uploaded their vaccination card but forgot to hit ‘save’, etc.

**Chair Hall** enquired about the criteria that need to be met in order to allow us to stop wearing masks while teaching.

**President Jiménez-Sandoval** responded that this is subject to advice from the county health department. Vaccines prevent illness but not the spread, hence the continued need for mask wearing, especially with the new variant rising. We have been successful on our campus because of mask wearing, which seems to have helped prevent community spread.

**Chair Hall** asked for an update about the search for a new VP for Information Technology and Chief Information Officer.

**President Jiménez-Sandoval** mentioned that the last one of four candidates will be on campus this week. Within two weeks, we should be able to know who the new VP for Information Technology and Chief Information Officer will be.

 **Action Items**

1. Memo dated November 29, 2021, from Saúl Jiménez-Sandoval, President, to Raymond Hall, Chair of the Academic Senate re: Faculty Appointments to Search Committee – Provost and Vice President for Academic Affairs. Memo has been received.

Suggestion: call for service

1. Memo dated November 29, 2021, Saúl Jiménez-Sandoval, President, to Raymond Hall, Chair of the Academic Senate re: Faculty Appointments to Search Committee – Vice President for Student Affairs and Enrollment Management. Memo has been received.

Suggestion: call for service

1. New Business.

None

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

**David Low** (Chair University Personnel Committee) explained that an issue with this APM and the composition of a search committee came up in Kremen School of Education and Human Development. The University Personnel Committee has since looked into what ‘insufficiency’ in a department means when for the composition of a search committee members need to be sought outside of the department in which a search is taking place. This concerns, for instance, representational insufficiency, e.g., if a department lacks certain identities and perspectives to run a specific search (e.g., lacking a specific profile, no female faculty). The Personnel Committee proposes a new footnote to explain this.

The University Personnel Committee also took the opportunity to make changes to APM 301 to include gender-neutral pronouns.

**Senator DeJordy** agrees that sufficiency involves more than quantitative sufficiency, but is concerned about unintended consequences regarding representational insufficiency. Who decides that a department does not have sufficient profiles or identities for a specific search?

**Low** responded that this would be at the discretion of the department. The department is then still tasked with collecting votes on the composition of a search committee.

**Low** added that it is more difficult to recruit diverse faculty if faculty on a search committee are not diverse.

**Senator Holyoke** agrees that it can be appropriate for a department to recruit outside members, but is concerned about abuse, such as excluding certain department faculty members from a search committee. He suggests that a check of insufficiency should be done beyond the department at the Dean level or at Faculty Affairs. A back-stop is needed to make sure nothing untoward is going on.

**Low** suggests to add ‘in consultation with the Dean’s office’ in the footnote proposed by the Personnel Committee regarding insufficiency.

**AVP Schmidtke** mentioned that final language about a back-stop would have to be run by CFA representatives to avoid grievances.

**Low** asked whether instead of ‘in consultation with the Dean’s office’ it is then better to include ‘in consultation with the Faculty Affairs’?

**AVP Schmidtke** responded that this would pose the same issue, and this language would still require consultation with CFA. He suggests to add ‘consultation with the Dean’ in the clause.

**AVP Schmidtke** and **Low** agree that it is also important to maintain in the APM that composition of a search committee is contingent on the department faculty vote.

**AVP Schmidtke** suggested that he will read and review the proposed changes to verify alignment with the CBA.

**Chair Hall** highlighted that the title of APM 301 presented today still refers to it as an interim policy.

**Low** suggested to strike the word ‘interim’.

**Senator Holyoke** agreed and suggested to Chair Hall to look for other APMs that are still designated as interim policies and to ask committees to make them permanent policies.

**Senator Dyer** asked whether sufficiency should also concern disciplinary backgrounds?

**Low** responded that he agrees that adding ‘disciplinary backgrounds’ to the list regarding sufficiency in the footnote would be helpful.

**AVP Schmidtke** echoes this.

***David Low*** *will send a revised draft to Chair Hall. Agreed to then send it to the Senate floor.*

1. Calendar Committee.

**Chair Hall** explained that there was a request to appoint more faculty members to the calendar committee.

**Senator Dyer** recalled that faculty have been looking for responsiveness to issues with the fall semester and spring semester not having the same number of instructional days, and with the timing of spring break. Dean Muscat was happy for faculty to be on the calendar committee and a faculty representative has been serving on this committee in an informal role. It is unclear whether the initial needs have been met by being on that committee. The Academic Senate should be part of the calendar process and should have a voice in this. It is often explained that scheduling is driven by payroll deadlines, but we should be able to arrange this based on pedagogical needs. We should empower the faculty member that is now serving in an informal capacity on this committee.

**Senator Holyoke** added that it seems that AP&P used to approve the calendar. He agrees that the Academic Senate should have a role in setting the calendar. He also mentioned that an informal survey had been done about changing the timing of spring break and faculty did not want to change the timing due to it being in sync with school district breaks.

**Provost Fu** confirmed that AP&P has been involved and has reviewed final drafts of the calendar. He suggests to invite someone from Human Resources to explain what the impact of payroll deadlines is on the calendar. He suggested that if we wanted fixed spring breaks, we need to indeed discuss this with school districts, and added that consultation days eat into graduation ceremonies.

*This is a first reading item and will be revisited for second reading next semester.* ***Chair Hall*** *will think about a proposal.*

1. APM 320 – Policy on the Composition of Search Committees for Designated Administrative Positions.

**Chair Hall** recommends to ask the University Personnel Committee to consider point A about retreat rights in the Provost’s memo concerning APM 320.

*The Executive Committee agrees.*

**Chair Hall** also shared that there have been challenges with members not attending and potentially derailing searches, as explained in point B of the Provost’s memo. APM 320 refers to a CSU technical letter that recommends that all search members must attend every interview due to equity concerns. Our EEOs seem to take this as a must rather than a recommendation. Other CSU campuses allow recording search committee meetings to allow absent member to review missed meetings. Search committees are high stakes committees, searches are expensive and we risk losing candidates when search committees are derailed due to absent members. He proposes to allow changing APM 320 to account for this.

**Senator Holyoke** expressed reluctance to make changes to the policy. Any leniency built into the policy needs to be accompanied by guardrails to prevent abuse. Faculty members are called to serve and when they sign up, they should commit to the job.

**Senator Dyer** mentioned that membership to search committees includes required members who cannot be appointed, e.g., a student representative. It has occurred in a search committee that the student who was appointed could not come to any meetings, and risked holding the search hostage, and a replacement was approved by ASI. In another search committee, the ASI appointed student did not want to serve. In addition, any member could hold a search committee hostage by not being able to meet at suggested times. Candidates drop out when meetings keep getting postponed. A potential policy revision could include listing efforts that need to be made, and allowing the possibility not to fill a position on the committee, rather than allowing people not to attend.

**Provost Fu** added that non-attendance is sometimes due to unexpected circumstances, that are not intentional, or difficulty in finding a time that is good for all the members on a search committee to meet. Hence the need for a back-up member, for instance.

**Senator Dyer** shared that according to a search firm that has been used in recent searches, who claims to have worked with 22 CSU campuses, we are the only campus that does not allow absences and recordings.

**AVP Schmidtke** will consult about this with other AVPs for Faculty Affairs, to see if we could potentially adopt another CSU campus’ policy.

**Senator Holyoke** agreed that we need some flexibility, but that this will require very clear wording about the type of circumstances that allow flexibility, in order to prevent abuse. Exceptions should only be allowed for serious extenuating circumstances.

**AVP Schmidtke** suggested that the President or Provost could serve as guardrails.

**Chair Hall** mentioned that we could allow using video recording, or partial attendance given extenuating circumstances, and can include remedies to filling places on search committees.

*This is a first reading item and will be revisited at the next Executive Committee meeting before sending it to the Personnel Committee.*

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The Senate Executive Committee adjourned at 5:16 pm.

The next meeting of the Executive Committee will be held on Jan 24 via Zoom.

Submitted by: Approved by:

Tinneke Van Camp Raymond Hall

Vice Chair Chair

Academic Senate Academic Senate