THE MINUTES OF THE ACADEMIC SENATE

CALIFORNIA STATE UNIVERSITY, FRESNO

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April 22, 2019

Members excused: M. Dangi, R. Raya-Fernandez, B. Singh, J. Smith-Warshaw, A.M. Tawfik, C. Yun

Members absent: P. Adams, T. Botts, D. Copher, T. Cupery, B. DerMugrdechian, M. Golden, Y. Luo, B. Ong

The Academic Senate was called to order by Chair Holyoke at 4:05 p.m. in HML 2206.

1. Approval of the agenda

MSC approving the agenda

1. Approval of the Minutes of April 8, 2019

MSC approving the Minutes of April 8, 2019 as amended

1. Communications and announcements  
   1. Senator Schlievert (Statewide)   
        
      Senator Schlievert updated the senate on the recent statewide Academic Affairs meeting. There are two competing resolutions regarding the GE Task Force report, both of which relate to rejecting the report. In addition, there was a discussion of hiring additional full-time counselors, though concerns were raised about the potential budgetary impact of the proposal. In addition, there is a proposal to allow the CSU to begin offering doctoral degrees in some instances. Finally, there was discussion of the recent increase in hate groups on various CSU campuses.   
        
      Senator Kensinger (Women’s Studies) expressed a concern about the recent increase of hate groups on the campus, but asked how hate speech is being defined in these conversations. Senator Schlievert stated that that questions is still being examined.
   2. Chair Holyoke  
        
      Chair Holyoke reminded senators of the upcoming election for a position on the Executive Committee.
2. New business

There was no new business for the Academic Senate.

1. Guidelines for Free Speech. Second Reading. Personnel Committee.   
     
   Senator Ram (Universitywide) made a proposed amendment to her previous amendment to clarify that the bullet points listed refer to specific legal cases and arbitrations. The motion was called to a vote. The amendment passed without objection (5 abstentions).   
     
   Senator Ram proposed an amendment to the first bullet point changing “may constitute” to “constitutes”. The motion was seconded. Chair Tsukimura (Personnel) argued against the change to give the university more latitude to intervene. Senator Wise (Media, Communications & Journalism) spoke in favor of keeping the language broad. Senator Cronin (Social Work Education) spoke in favor of the amendment to make the language more specific. The motion was called to a vote (6 nays; 6 abstentions). The motion carried.   
     
   Senator Ram proposed changing the fourth bullet point to read “When the speech involves the destruction of property, for example to communicate a message.” Senator Bryant (University-wide) argued that it is important to specify which property is being destroyed, and to whom it belongs. Senator Ram spoke in favor of making the language more specific. Senator Chowdhury (Art & Design) asked whether the proposed amendment would cover direct incitement to violent action. Senator Ram observed that “true threats” might cover this category. Senator Henson (English) observed that Senator Ram’s changes are based on the original texts of the cases in question and should perhaps not be added to. Senator Kensinger (Women’s Studies) added that the proposed language serves to clarify that a speaker must intend to create property destruction.   
     
   Senator Ram stated that her proposed amendment is designed to clarify the status of court cases, not tie the university’s hands in a situation in which it may see a need to act. Senator Hall (Physics) asked for clarification as to whether the document in question is a policy document or not. Chair Holyoke clarified that it is not and will not be included in the APM. The motion was called to a vote (5 abstentions). The motion was deemed passed.

Senator Ram proposed changing the title of the document to not label the document as “Best Practices. Senator Ram proposed retitling the document to read “Freedom of Speech Principles”. Senator Van Camp (Criminology) stated that the amendment might make the document seem more proscriptive than intended. Senator Kensinger proposed renaming the document to “Freedom of Speech…” The motion was called to a vote (4 abstentions).   
  
Senator Ram made an amendment to the first sentence of the document to clarify the role of the U.S. Constitution. Several friendly amendments were subsequently offered. The motion was called to a vote. There were 4 abstentions and the motion was deemed passed. Senator Jenkins (Statewide) asked why “true threats” is in quotation marks. Senator Ram answered that it is likely a quotation from a court case. Senator Kensinger stated that the term is a legal one rather than an interpretive term.   
  
The overall document was called to a vote. There were 3 nays and 5 abstentions. The document was deemed approved.

1. APM 332 Policy on Range Elevation for Temporary Faculty. Personnel Committee.   
     
   Senator Scott (Communication) was introduced to discuss the item. The proposal is to update the criteria for lecturer range elevation. Senator Alexandrou (Industrial Technology) added that the needs of the Library were also taken into consideration in editing the document.   
     
   Senator Scott argued that the proposal might have the effect of removing SSI increases for lecturers based on a faculty’s appointment letter. The item was deemed as a first-read item and will return to the agenda at a later date. Senator Chowdhury argued that the activities listed in the columns are ambiguous and could be misinterpreted. Senator Parra (Accountancy) asked whether raises are determined purely in terms of time in rank. Senator Scott answered that the elimination of SSIs would make it virtually impossible for faculty to obtain raises. Senator Hooshmandrad (Music) argued that increasing simplicity would be desirable, but asked what lecturer A, B, C and D actually mean and where they are defined. Chair Tsukimura answered that those terms are defined in the old policy.   
     
   Senator Alexandrou (Industrial Technology) argued that lecturers may arrive with differing qualifications, and therefore the policy is necessary to give the university flexibility in hiring. Senator Hooshmandrad responded that those ranks are assigned as part of the employment process and contract. Senator Scott replied that lecturers have the right and ability to negotiate salary increases and are not limited to a specific increase. Senator Hooshmandrad reiterated that it would be valuable to know where the A, B, C, and D categories come from.
2. APM 415 Dispute Policy. Academic Policy & Planning Committee.   
     
   Chair Mullooly (AP&P) was introduced to make the proposal. The proposal is to remove APM 415 in its entirety because it is no longer functional. There is no evidence that the policy has ever been used to resolve a dispute.   
     
   Senator Gillewicz (English) asked whether eliminating the policy would eliminate a student’s ability to petition a non-grade issue. Chair Mullooly replied that those circumstances would be handled by other bodies, and the policy in question has not been used in 22 years.

Senator Scott (Communication) asked whether the board described in the policy actually exists. Chair Mullooly stated that he has not found any evidence it ever existed.   
  
This was considered a first-reading item and will return to the agenda at a future date.

The Academic Senate adjourned at 5:15pm. The next meeting of the Academic Senate will be on Monday, April 29, 2019.

Submitted by Approved by

Bradley Hart Thomas Holyoke

Vice Chair Chair

Academic Senate Academic Senate