THE MINUTES OF THE ACADEMIC SENATE (AS-2)

CALIFORNIA STATE UNIVERSITY, FRESNO

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September 18, 2023

Members excused: E. Mason

Members absent: R. Klepper, G. Newell, J. Randles, R. Sias, B. Yang

In-person attendance: 24 Zoom attendance: 29

The Academic Senate was called to order by **Chair Hall** at 4:06 p.m. in Library room 2206 and via Zoom video conferencing.

1. Approval of the Agenda.

**Senator Vega:** AP&P would like to move APM 206 to #6 on the agenda so that it can be sent back to committee.

**Senator Peterson**: Concern that this would delay discussion on APM 301

**Chair Hall**: This is only so that we can vote to send APM 206 back to committee.

*Motion to approve amended agenda*

*Seconded*

*Vote on the agenda: approved*

1. Approval of the Minutes 9/11/23.

*Motion to approve minutes*

*Seconded*

*Vote on the minutes: approved*

1. Communications and Announcements.

*None*

1. Installation of Senators
2. New Business

*None*

1. APM 206 – Online Learning Courses and Programs.

**Senator Vega**: It is already outdated due to COVID, want to run it by ASI, Division of Graduate Studies, AP&P, and rewrite the policy.

**Senator Stillmaker**: Concern about timing, will this happen quickly?

**Senator Vega**: Our plan is to do so, because we want to get it out of the way as soon as possible.

*Motion to send APM 206 back to committee*

*Seconded*

*Motion to send APM 206 back to committee: Approved*

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

*Discussion of motion to amend Section III.4 of APM 301:*

**Senator Ram**: Question for David Low - I put this amendment in there because other parts of the policy say that the chair cannot serve on the committee. But there is a question of whether it is true that it is required.

**D. Low**: It is not in the CBA, it is only in APM. AVP Schmidtke confirmed this.

**Senator Ram**: So it is up to the floor to keep it in there or not.

**Senator Kensinger**: Has this been moved and seconded?

**Chair Hall**: Yes.

**Senator Kensinger**: I am against this motion. It is a problem for programs that do not have enough faculty to constitute a search. It requires them to rely on faculty outside of department or areas of expertise. I will vote against this, and I will then propose getting rid of language that the chair cannot serve.

**Senator Chowdhury**: Is there an argument to exclude a chair from the committee?

**Senator Kensinger**: It’s in the rest of the document.

**Senator Chowdhury**: Not understanding why it’s in there.

**D. Low**: Limiting the chair is not a new revision, this was part of the policy we were working with. Can’t answer why the original policy had it, it’s not in the CBA. It’s not something that Personnel felt obliged to remove. Senate should talk about it.

*Michael Jenkins recognized by Senator Peterson*

**M. Jenkins**: The search committee’s charge is to report back to department chair. If the chair is on the committee, there is nobody to report back to.

**Senator Jones**: It raises a problem with the next proposed clause. It sets up a situation where the chair might be able to weigh in multiple times, on committee and separate recommendation.

**Senator Kensinger**: I was only speaking against the motion put before us to add language here. We do not have a discussion on chairs being on search committees.

**Chair Hall**: Discussion of chairs serving on search committees is related to the amendment before us.

**Senator Bryant**: In response to M. Jenkins, the dynamics of our departments are different. It should be up to the department to decide if a second layer is needed where committee reports to department chair.

**Senator Ram**: I think the department chair should be able to serve. In response to M. Jenkins, we do have other committees in which department chair can serve on the committee or do independent evaluation, like personnel committee. I would like to speak against my own motion.

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

**Senator Kensinger**: Propose amendment to III.3 to allow chairs to serve in order to have three faculty from department on search committee. There are multiple places in the document where this change would need to be made.

**Chair Hall**: If this revision were to be accepted, it would make changes consistent throughout the APM.

**Senator Kensinger**: Not sure I want to do that, because we have to consider what to do about chair’s separate recommendation.

*Motion to amend Section III.3 of APM 301*

*Seconded*

**Senator Chowdhury**: I would like to make a friendly amendment to eliminate any language that prevents the chair from serving. That would be simpler and leave it up to the departments.

**Senator Kensinger**: Are you suggesting that instead of my proposal, get rid of “excluding department chairs”?

**Senator Chowdhury**: Yes.

**Chair Hall**:Another way we could do this is to just take out mention of department chairs.

**AVP Schmidtke**: In the event that the department doesn’t want the department chair to serve, there still has to be an election and that’s their way to communicate that.

**Senator Peterson**: As a point of clarification, when a document that goes back to the committee and comes back, is this a fresh document?

**Chair Hall**: Yes, when it comes back, the entire document is open for amendments.

**Senator Peterson**: So anything is on the table?

**Chair Hall**: Yes.

*Michael Jenkins recognized by Chair Hall*

**M. Jenkins**: Looking at Section XI.4, how does department chair hear recommendation from the committee if they are on committee?

**Senator Lent**: By changing this, you could have a conflict of interest. Department chairs have a lot of knowledge about personnel issues and having discussions with candidates, that other committee don’t. This is clouding the process. If one search has a chair and the other does not, how do you keep them equal? You can’t. You run into challenges of equality, fairness, and transparency. What if the search committee has two members who choose a candidate and chair as member does not? How do you deal with conflicting recommendations? From my perspective, I wouldn’t want to run into these issues. Keep them independent, with exception for departments without enough faculty to form committee. We have to be careful how we view this. I don’t want this change at all, I don’t think chairs should be involved. Outside department faculty would be a better solution.

**Senator Smith**: I agree there should be some sort of separation of power. I want to make sure we give say to the department. Is it possible to change language that department can vote to choose either chair or outside member to participate? That leaves decision up to department, not the chair.

**Chair Hall**: You are arguing against current language but want to expand it to put an “or” in there.

**Senator Kensinger**: Clarification, that is in the next clause.

**Chair Hall**: I think she’s speaking to add an “or” to the language.

**Senator Ram**: Don’t want to forget that Vice Chair needs to delete language from Section III.4.

**Senator Smith**: I want to make sure we are giving department say over whether or not to include chair or another person.

**Senator Lent**: Why allow some departments to allow a chair, but not others? Department size becomes an issue, and processes and procedures become different across departments, and hiring processes should be consistent.

**Senator Wakabayashi**: I am going to speak in favor of the motion. I come from a small department and I echo comments made earlier, we had a similar situation where sometimes the chair has to be a part of the committee. This particular motion does not infer that the department doesn’t have a say. That comes in the next item. This particular motion doesn’t speak to that. The choice is left to the next clause.

**Senator Ram**: I will vote against it because it is a bit confusing. I agree with Senator Chowdhury suggestion to just remove exclusion of department chairs. If there were a reason to decide chairs should be allowed in certain situations, can be addressed in a separate sentence.

*Motion to amend Section III.3 of APM 301: Denied*

**Senator Stillmaker**: Proposed amendment to footnote 6 to allow interpretation of “insufficient” up to University Diversity Officer or individual departments.

*Motion to amend Footnote 6 of APM 301*

**Senator Stillmaker**: Concern is that we currently have departments that are completely filled with people of one background, those departments will not be able to willingly make the objective determination that they have insufficient diversity. Looking for somebody outside of department to make that determination.

*Seconded*

**Senator Bryant**: Would every single search committee composition sent to FA have to be sent to UDO? Is she going to have then ask for racial/ethnic identity to be listed on form for committee composition? Will that add additional time to process?

**AVP Schmidtke**: For the purposes of searches, I am chief diversity officer. It wouldn’t add any time.

**Senator Stillmaker**: Can we change to AVP?

**AVP Schmidtke**: You could, we still review it, it shouldn’t add any time.

**Senator Holyoke**: Inclined to vote against it. It leaves administration to decide if search committee is acceptable or not. Really opposed to this.

**Senator Kensinger**: Appreciate what you’re trying to do, but it conflicts with resolution last week. Also concerned with workload for diversity faculty.

*Motion to amend Footnote 6 of APM 301: Denied.*

**Senator Kensinger**: Propose to amend Section III.5 to allow chairs to serve and forgo the right to write a separate recommendation.

*Motion to amend Section III.5 of APM 301*

*Second*

**Senator Kensinger**: Policies have to be written for a variety of circumstances. To have departments who are forced to seek outside help when they run searches means they are less likely to have experts in the field who can serve on searches. These departments have expertise and they need to be able to have their experts serve on those committees.

**Senator Shatz**: No objections to intention of proposed amendment. I don’t know if this is a friendly amendment or not, but caveat about forgoing the right to write a separate recommendation should be a separate sentence.

*Friendly amendment accepted*

**Senator Ram**: I am still not fully convinced that we should only allow the chair to serve if it’s a small department. I still think it would be simpler if we allow a vote and the chair can serve if there is a vote. I understand the statement made against that, but I’m not convinced it’s a problem. Even in large departments, you have subfields and you only have two or three faculty int hat subfield. I’m not sure if I support this or not, I would prefer to just take it out and allow the chair to serve.

**Senator Chowdhury**: Agree with Senator Ram. I still think we should strip out any language that prevents chair from serving. I acknowledge objections to that, but I’m looking at the other side. The chair on the committee will also present a report to the dean’s office and will serve as an advocate for the results on the search. I’ve seen searches fail at the dean’s level and having somebody with authority to speak on the search would have been beneficial. Having chair on the committee is beneficial to advocate for the committee’s choice.

**Senator Stillmaker**: Point of clarification, this doesn’t say anything about the size of the department.

**Senator Kensinger**: It’s attached to “insufficient” faculty, but “insufficient” is defined broadly.

**Senator Peterson**: The language is redundant that if they serve then they shouldn’t write a recommendation. The part that I disagree with is if we’re trying to find diversity, having outside members would help.

**Senator Lent**: Speaking against this amendment because it carves out a unique exception. It would be preferable to open it up completely.

**Senator Pinzon-Perez**: From the perspective of equity, happy that department chair is making separate recommendation or serving on committee. But it’s good to have a recommendation from outside of committee because it is not biased by committee discussion. From an equity perspective, it’s a good idea to have department chair make separate recommendation.

**Senator Shatz**: The term insufficient is very broad, so the concerns about this being applicable to small departments…talks about subfield expertise are addressed by “insufficient” meaning there could be not enough faculty with subfield expertise. Language allows flexibility.

**Senator Kensinger**: Parliamentary question, can we separate the two sentences as separate questions.

**Chair Hall**: Because we’ve been debating this together, the chair’s preference would be to take it all to a vote and then propose another amendment to the language.

**Senator Raya-Fernandez**: Can we add clause about extenuating circumstances?

**Chair Hall**: That could be made as a separate proposal.

*Motion to amend Section III.5 of APM 301: Denied*

**Senator Peterson**: I would like to move to call to question.

*Motion to call question on APM 301*

*Second*

*Motion to call question: Denied*

**Senator Miele**: Motion to strike language from III.3. It can serve departments to allow department chairs to serve on search committee. When you’re not serving on the committee, you don’t get to participate fully in the search. If your department wants you there, you should be able to be there.

*Motion to amend Section III.3 of APM 301*

*Second*

**Senator Mulhern**: This piece of the text is about who is counted among the three, not about who cannot serve.

**Chair Hall**: I’m not sure that’s how I read it. The committee is three.

**Senator Miele**: FERP faculty are excluded from committees.

**Chair Hall**: I believe that is CBA.

**Senator Mulhern**: Point of clarification, the CBA and APM both allow FERP faculty to serve. Issue of department and President approval. Explicit in both CBA and APM.

**Chair Hall**: Can you describe briefly what the language means to you, Senator Mulhern?

**Senator Mulhern**: My point is that I understand both CBA and APM to have explicit language that FERP can serve on committees. It’s up to department and President to approve request. Given that, I take it to mean that his clause is about who counts towards three, not including FERP or chairs. It is about who can serve, and who does not count towards the three.

**AVP Schmidtke**: Point of clarification, if they FERP in the Fall, their activity would end with the Fall. They can’t volunteer off contract. That is why they can’t count.

**Senator Mehta**: Clarification, does that mean that chairs are not part of voting members?

**Chair Hall**: Senator Mulhern is clarifying that there is a minimum of three, but Chairs of FERP do not count but could serve.

**Senator Pitts**: Agree with Senator Mulhern, this language could be construed as she mentioned. If we want to either exclude department chairs or not, why not add separate sentence that explicitly states that.

**Chair Hall**: This statement doesn’t exclude anybody, it only states that FERP can serve but there must be three other members.

**Senator Miele**: If we want to interpret it differently, we have to make that clear.

**Senator Shatz**: What Senator Pitts says is exactly that. We have to add a sentence that chairs cannot or can serve as an additional member.

**Senator Kensinger**: If her interpretation is right, then chairs can serve? There is nowhere else in this document that says that chairs cannot serve?

**Senator Peterson**: The whole question is that can the chairs serve or not serve, does that solve the problem? It seems we have to clarify that one question, and then everything else becomes clear.

**Chair Hall**: Come back next week and we will figure it out.

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

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The next meeting of the Academic Senate will be September 25, 2023.

Submitted by Approved by

Amber Crowell Ray Hall

Vice Chair Chair

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