

**AGENDA**  
Executive Committee Meeting  
CSUSM Academic Senate  
Wednesday, March 16, 2016, 12:15 PM  
Provost's Conference Room – KEL 5207

- I. **Approval of Agenda**
- II. **Approval of Minutes – 3/9/16**
- III. **Chair's Report, [Deborah Kristan](#)**
- IV. **Vice Chair's Report, [Michael McDuffie](#)**
- V. **Secretary's Report, [Laurie Stowell](#)**
- VI. **Provost's Report, [Graham Oberem](#)**
- VII. **Vice Provost's Report, [Kamel Haddad](#)**
- VIII. **Discussion items**
  - A. TPAC: Draft Faculty Survey on Open Access (attachment) **Page 2**
  - B. Senate Officers: Proposed EC Resolution in Support of CSU Academic Senate's Resolution AS-3249-16/AA/FA/EX – Concerns about Administrative Communications Regarding Classroom Discussion of Possible Strike Action (attachment) **Page 4**
  - C. Senate Chair: ASCSU Resolution about Shared Governance in the CSU – Possible EC Endorsement (attachment) **Page 7**
  - D. Senate Chair: Senator Seats for EC Members (attachment) **Page 10**
- IX. **EC Members' Concerns & Announcements**

*Next meeting: March 30, 2016, 12:00-2:00 p.m., Provost's Conference Room – KEL 5207*

Draft for Faculty Survey on Open Access Policy

Comment [SB1]: I think this is a good, brief document, but perhaps links where faculty can get more information would be good to add

Background Information

I. What is Open Access?

- Open-access literature is digital, online, free of charge, and free of most copyright and licensing restrictions.
Open Access removes price barriers (subscriptions, licensing fees, pay-per-view fees) and permission barriers (most copyright and licensing restrictions).
An OA policy DOES NOT require faculty to publish in specific journals.
You are NOT signing copyright to the University. The policy grants specific nonexclusive permissions to CSUSM. You still retain ownership and complete control of the copyright in your writings excluding any permissions you have transferred to a publisher..
In order to deposit an article to the campus repository, faculty will need to co-ordinate with co-author(s). In addition, faculty will need to negotiate with the publisher. The library faculty and staff are available to assist faculty with these tasks.
Faculty may need to locate or create shareable copies of articles, when posting the final version of the published article is not permitted by the publisher.
The scope of the open access policy developed at CSUSM will cover peer-review journal articles. Authors who are interested in depositing other articles (such as conference proceeding, news articles, etc.) can contact the library.

Comment [SB2]: This section is misleading - I think it may be interpreted that faculty have to publish in open access journals. We should make the point explicit that that is not required.

Comment [JF3]: The Library will assist faculty with working with publishers but not on coordinating with co-authors. Should say: The library faculty and staff are available to assist faculty with publisher negotiation.

II. Resolution for supporting Open Access passed by Academic Senate AY 13-14

Comment [KN4]: insert link to Academic senate policy.

III. Options for Open Access Policy: Opt-in or Opt-out.

- Opt-in: This procedure is current practice on campus. Faculty must choose to make their publications open access and seek assistance with library staff in coordinating this process.
Opt-out: This procedure would change current practice on campus. When faculty publish articles, they will get assistance from library staff in negotiating with publishers to make articles open access. If faculty do not want to make their articles open access, they will need to complete an opt-out form for each article.

Comment [KN5]: Does it matter when the faculty negotiate with the publisher? Can the negotiation after the article is published?

IV. Pros and Cons for the Opt-in Option:

Table with 2 columns: PROS, CONS. Row 1: Resolution was already approved. / Need to fill out an opt-in form for each article to be deposited. Row 2: No change in current / Minimize faculty participation, which may limit access to faculty articles and

article submission process to publisher.	reduce citation of faculty work.
Faculty can deposit the article to the library any time.	This is not the accepted best practice: <a href="http://cyber.law.harvard.edu/hoap/sites/hoap/images/Goodpracticesguide-2015.pdf">http://cyber.law.harvard.edu/hoap/sites/hoap/images/Goodpracticesguide-2015.pdf</a>
Library will assist with rights negotiation/contract amendments.	

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33 **V. Pros and Cons for the Opt-out Option.**

PROS	CONS
More leverage with publishers for retaining rights	Need to fill out an opt-out form for each article you don't want included.
More articles will be made available with little faculty work required.	Reflects a change to current campus procedure.
Best practice for OA Policies.	
Library will assist with rights negotiation/contract amendments.	
No restrictions on opting-out.	

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35 **VI. [List of Universities in U.S. with Open Access Policy](#)**

36 **Question:**

37 **Which of the following options do you prefer for the open access policy at CSUSM?**

38 **A. Opt-in**

39 **B. Opt-out**

40 **C. No preference**

41 **D. Unsure, need more information**

42 **Please put your comments in the box below if desire:**

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**Senate Officers: DRAFT: California State University San Marcos Academic Senate Resolution in Support of CSU Academic Senate’s Resolution AS-3249-16/AA/FA/EX – Concerns About Administrative Communications Regarding Classroom Discussion of Possible Strike Action**

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WHEREAS, on March 4, 2016 the Academic Senate of the California State University approved without dissent the resolution titled ‘Concerns about administrative communications regarding classroom discussion of possible strike action’, and

WHEREAS, on March 2, 2016 the Academic Senate of California State University San Marcos unanimously approved the resolution titled ‘California State University San Marcos Academic Senate Resolution in Support of CFA’s Call for a Strike’; now, therefore, be it

RESOLVED, That the Academic Senate of California State University San Marcos endorse the Academic Senate of the California State University resolution ‘Concerns about administrative communications regarding classroom discussion of possible strike action’, and be it further

RESOLVED, That this resolution be sent to the CSU Board of Trustees, Chancellor White, the Academic Senate of the California State University, all California State University Academic Senates, and to the California State University San Marcos campus community.

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**ACADEMIC SENATE OF THE CALIFORNIA STATE UNIVERSITY**

AS-3249-16/AA/FA/EX  
March 3-4, 2016  
First Reading/Waiver

**CONCERNS ABOUT ADMINISTRATIVE COMMUNICATIONS REGARDING  
CLASSROOM DISCUSSION OF POSSIBLE STRIKE ACTION**

22 1. RESOLVED: That the Academic Senate of the California State University (ASCSU)  
23 express consternation over recent communications from some CSU presidents and  
24 administrators forbidding faculty to discuss the potential strike action planned by the  
25 California Faculty Association (CFA) in their classrooms; and be it further

26 2. RESOLVED: That the ASCSU affirm that the determination of the relevance of material to  
27 a particular class is the decision of the faculty teaching that class in the context of accepted  
28 pedagogical and disciplinary standards; and be it further

29 3. RESOLVED: That the ASCSU urge campus senates to communicate the content of this  
30 resolution to all faculty; and be it further

31 4. RESOLVED: That the ASCSU distribute this resolution to:

- 32 • CSU Chancellor,
- 33 • CSU Board of Trustees,
- 34 • CSU campus Presidents,
- 35 • CSU campus Academic Senates,
- 36 • CSU Provosts/Vice Presidents of Academic Affairs
- 37 • California Faculty Association (CFA),
- 38 • California State Student Association (CSSA),
- 39 • Campus Associated Students Incorporated Presidents
- 40 • California State University Emeritus and Retired Faculty Association (CSU ERFA)
- 41 • American Association of University Professors (AAUP)

42 ***RATIONALE:*** *On February 6, 2016 the California Faculty Association (CFA)*  
43 *announced plans for a system-wide strike in April 2016 if a settlement is not reached in*  
44 *negotiations for a pay increase for the second year of the current three-year contract.*  
45 *Several CSU Presidents sent a letter to their campuses regarding the possible strike that*  
46 *included this sentence: “Classroom time cannot and should not be used by faculty to*  
47 *discuss issues related to the strike...” (see, for example, Attachment A, letter from CSU*  
48 *LA President William A. Covino) This language would seem to be consistent with the*  
49 *American Association of University Professors (AAUP) 1940 Statement on Academic*

50 *Freedom which states that, “Teachers are entitled to freedom in the classroom in*  
51 *discussing their subject, but they should be careful not to introduce into their teaching*  
52 *controversial matter which has no relation to their subject.” However, in 1970 the*  
53 *AAUP acknowledged that controversy is at the heart of free academic inquiry, and that*  
54 *its 1940 language was not meant to discourage what is controversial, but rather*  
55 *underscored the need for teachers to avoid persistently intruding material which has no*  
56 *relation to their subject. Indeed, in a later statement about controversy in the classroom,*  
57 *the AAUP stated that, “Controversy is often at the heart of instruction; good teaching is*  
58 *often served by referring to contemporary controversies even if only to stimulate student*  
59 *interest and debate.”* (<http://www.aaup.org/report/controversy-classroom>)

60 *Strike Frequently Asked Questions (FAQ) provided by the CSU Chancellor’s Office begin*  
61 *to acknowledge this point. In the FAQs, the initial statement in presidents’ letters is*  
62 *amended to declare that,*

63 *In general, however, faculty members cannot and should not use classroom time to*  
64 *discuss other issues related to the strike, unless such a discussion is directly relevant to*  
65 *the content of the course. That will not be true in the vast majority of*  
66 *cases.”*([http://www.calstate.edu/hr/employee-relations/bargaining-](http://www.calstate.edu/hr/employee-relations/bargaining-updates/documents/2016/CFA-Strike-QandA.pdf)  
67 *updates/documents/2016/CFA-Strike-QandA.pdf*) *It is not the place of campus*  
68 *Presidents or the Chancellor’s Office to decide what is relevant to the content of a*  
69 *course. That decision can only be made by the faculty teaching the class as would be*  
70 *consistent with pedagogical and disciplinary expectations.*

**ACADEMIC SENATE  
OF  
THE CALIFORNIA STATE UNIVERSITY**

AS-3236-15/FA (Rev)  
November 5-6, 2015

**REAFFIRMING THE PRINCIPLE OF SHARED GOVERNANCE WITHIN THE  
CALIFORNIA STATE UNIVERSITY**

1 RESOLVED: That the Academic Senate of the California State University (ASCSU) reaffirm  
2 the principle of shared governance legislated in the Higher Education Employer-  
3 Employee Relations Act (HEERA) 3561 (b) as follows: “The Legislature  
4 recognizes that joint decision making [sic] and consultation between  
5 administration and faculty or academic employees is the long-accepted manner of  
6 governing institutions of higher learning and is essential to the performance of the  
7 educational missions of these institutions....”; and be it further

8 RESOLVED: That the ASCSU request that the Chancellor clearly articulate, in the written  
9 response to this resolution, how the principle of “shared leadership” – to which he  
10 has often referred – either conforms with, or differs from, both the HEERA statute  
11 and the “long-accepted manner” of shared governance as defined in the American  
12 Association of University Professors’ (AAUP’s) “Statement on Government of  
13 Colleges and Universities”<sup>1</sup>; and be it further

14 RESOLVED: That the ASCSU express ongoing concern that, when faculty leaders from CSU  
15 campuses have called upon the Chancellor to intervene when serious violations of  
16 shared governance on their respective campuses have been documented, the  
17 Chancellor’s responses at times reference “shared leadership” yet fail to offer  
18 solutions that are responsive to the requests; and be it further

19 RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU  
20 Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU campus  
21 Senate Executive Committees, CSU Provosts/Vice Presidents of Academic  
22 Affairs, California Faculty Association (CFA), California State Student  
23 Association (CSSA), CSU Emeritus and Retired Faculty Association (CSU  
24 ERFA).

25 ***RATIONALE:** During the tenure of the former Chancellor, the Academic Senate*  
26 *of the California State University (ASCSU) found that it was necessary to pass a*  
27 *number of resolutions decrying the erosion of shared governance within the*  
28 *system. The history of such resolutions, at least since 2000, has included the*  
29 *following:*

30 AS-2489-00/FGA: Shared Governance in the CSU  
31 (<http://www.calstate.edu/acadsen/records/resolutions/1999-2000/2489.shtml>);

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<sup>1</sup> <http://www.aaup.org/report/statement-government-colleges-and-universities>

- 32 AS-2599-03/FGA/FA: *Shared Governance as a Criterion for Presidential*  
33 *Evaluation* ([http://www.calstate.edu/acadsen/records/resolutions/2002-](http://www.calstate.edu/acadsen/records/resolutions/2002-2003/2599.shtml)  
34 [2003/2599.shtml](http://www.calstate.edu/acadsen/records/resolutions/2002-2003/2599.shtml));
- 35 AS-2845-08/FA (Rev): *Shared Governance, Academic Freedom and Principles*  
36 *Governing Systemwide Initiatives with Curricular Implications*  
37 (<http://www.calstate.edu/acadsen/records/resolutions/2007-2008/2845.shtml>);
- 38 AS-2934-10/FA: *Affirming Shared Governance Within the California State*  
39 *University: Adoption and Use of Deliverology as a Tool to Achieve*  
40 *Administrative Action*  
41 (<http://www.calstate.edu/acadsen/records/resolutions/2009-2010/2934.shtml>);
- 42 AS-2960-10/FA: *Objection to Unilateral Decision Making and the Pursuit of a*  
43 *“Culture of Compliance” in the CSU*  
44 (<http://www.calstate.edu/acadsen/records/resolutions/2009-2010/2960.shtml>);
- 45 AS-3051-11/FA: *Early Faculty Involvement in California State University*  
46 *Initiatives* ([http://www.calstate.edu/acadsen/records/resolutions/2011-](http://www.calstate.edu/acadsen/records/resolutions/2011-2012/3051.shtml)  
47 [2012/3051.shtml](http://www.calstate.edu/acadsen/records/resolutions/2011-2012/3051.shtml));
- 48 AS-3074-12/Shared Governance Committee (Rev); *Procedures for CSU*  
49 *Administration and Board of Trustees Responses to Academic Senate CSU*  
50 *(ASCSU) Resolutions* ([http://www.calstate.edu/acadsen/records/resolutions/2011-](http://www.calstate.edu/acadsen/records/resolutions/2011-2012/3074.shtml)  
51 [2012/3074.shtml](http://www.calstate.edu/acadsen/records/resolutions/2011-2012/3074.shtml));
- 52 AS-3092-12/AA: *Faculty Consultation on Baccalaureate Unit Limits*  
53 ([http://www.calstate.edu/acadsen/records/resolutions/2012-](http://www.calstate.edu/acadsen/records/resolutions/2012-2013/documents/3092.shtml)  
54 [2013/documents/3092.shtml](http://www.calstate.edu/acadsen/records/resolutions/2012-2013/documents/3092.shtml));
- 55 *There was the expectation among faculty that, when Chancellor White assumed*  
56 *the position of Chancellor of the CSU at the beginning of 2013, he would reverse*  
57 *course, and thus, further resolutions protesting violations of shared governance*  
58 *would become unnecessary. Indeed, the hope had been that such resolutions*  
59 *could be relegated to the archives of past practice.*
- 60 *Sadly, this has not been the case. Like his predecessor in the office, the current*  
61 *Chancellor has demonstrated a distinctly different understanding of shared*  
62 *governance from that which has characterized the principles and practice of the*  
63 *ASCSU. Whether in disregarding nearly all of the faculty’s findings of*  
64 *duplication between CSU programs and those proposed in the pilot baccalaureate*  
65 *programs in the California Community College system last year without*  
66 *curricular justification; or in the administration’s recently enacting, without*  
67 *consultation with the ASCSU, a background check policy to which all new faculty*  
68 *are now subject, “shared leadership” in practice has left much to be desired as a*  
69 *reinterpretation of the principle of shared governance.*

70 *Additionally, responses from the Chancellor's Office to well-considered ASCSU*  
71 *resolutions have rarely matched those resolutions either in substance or in intent;*  
72 *actions requested through formal resolutions are often deferred or ignored.*  
73 *Rather than being engaged in genuine collaboration on matters of academic*  
74 *policy, faculty often find that they are the "last to know" and are placed in a*  
75 *mode of reaction rather than one of collaboration. This was the case recently*  
76 *when the ASCSU called for a joint effort in revising the policy on academic*  
77 *freedom (AS-3197-14/FA). Instead of first forming a joint task force as requested*  
78 *in the resolution and then collaboratively drafting a policy, the administration has*  
79 *delayed formation of a joint task force and circulated its own draft policy.*

80 *Finally, requests from campus faculty leaders for investigations by the Chancellor*  
81 *into the erosion of shared governance on individual campuses have been met, at*  
82 *times, with tepid responses.*

83 *In contrast to the universally accepted principle of shared governance, "shared*  
84 *leadership" itself is a concept not native to academe but rather to business*  
85 *settings wherein the lexicon and practice of "team-building" is more normative*  
86 *than is the practice of governance. In matters related to curriculum, in particular*  
87 *(though certainly not limited to curricular matters), there is growing evidence*  
88 *that the expertise of the faculty, and, in fact, faculty's responsibility to preserve*  
89 *quality, is being threatened not only from without (for example, through continual*  
90 *under-funding; performance-based metrics; initiatives lacking evidentiary*  
91 *justification) but also from within.*

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**Approved Unanimously – March 3-4 2016**



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## Standing Rules of the Academic Senate

### California State University San Marcos

Amended: Spring 2016 by the Executive Committee  
Amended: Spring 2014 by the Academic Senate  
Amended: Fall 2013 by the Executive Committee  
Amended: Fall 2012 by the Executive Committee  
Amended: Fall 2011 by the Executive Committee  
Amended: Spring 1997 by the Executive Committee  
Amended: Fall 1996 by the Executive Committee  
Amended: Fall 1994 by the Executive Committee  
Amended: Summer 1992 by the Executive Committee  
Amended: Fall 1991 by the Executive Committee  
Adopted: Fall 1990 by Faculty Vote

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## ACADEMIC SENATE

1. Agendas and approved minutes of the Academic Senate meetings shall be made available on the Senate website.
2. The Executive Committee will present items to the Senate for a single vote of approval without discussion via the Consent Calendar. Any item can be removed for particular consideration by request of a Senator prior to vote on the list of consent items. This item then becomes a discussion item subject to the first and second reading requirements. The first reading takes place immediately after the vote on the Consent Calendars, prior to any other items on that day's Senate agenda.
3. New proposed policies, procedures, and programs developed by standing committees of the Academic Senate will be subject to the first and second reading requirement. Major proposed revisions to such policies, procedures, and programs will likewise be subject to this requirement. Minor revisions, other documents intended for Senate approval, and simple resolutions will not be subject to this requirement unless it is deemed necessary by (1) the Executive Committee or (2) the Academic Senate during the approval of the agenda. Minor revisions to policies or other Senate documents will be placed on a consent calendar for approval of the Senate and be subject to the Consent Calendar process as noted in # 2 above.
4. A first reading item is a discussion item, not an action item. Its purpose is to allow the proposer to explain the proposal under consideration. In addition, it provides a forum for Senators to provide comments, suggestions, and questions to the proposer. Between the first and second reading, the proposal remains the property of the proposer, and senators are encouraged to send comments, suggestions, and questions to the proposer via email.
5. The first and second readings of an item occur in separate Senate meetings. The Senate may suspend this rule and move directly from a first to a second reading via a motion that receives a favorable vote of two-thirds.

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85 6. A second reading item is an action item. Action items are usually  
86 scheduled before discussion items in the agenda.  
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88 7. All action items will be accompanied by a motion. Second readings will be  
89 accompanied by a motion to approve the proposed policy, procedure, or  
90 program, or to endorse the document in question. A proposed revision to  
91 a policy, procedure, or program will be accompanied by a motion to  
92 replace the existing policy, procedure, or program. In the case of  
93 documents drafted by Senate committees, the Senate may amend the  
94 document during the second reading only via a subsidiary motion; the  
95 main motion then applies to the document as amended.  
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97 8. If an action item comes recommended by a standing committee, the  
98 associated motion does not need to be moved and seconded in the  
99 Senate. In this case the chair will announce the recommendation, and the  
100 chair of the recommending committee or designee will initiate debate by  
101 speaking in favor of a motion. If an action item does not come  
102 recommended by a standing committee the associated motion must be  
103 moved and seconded before debate may commence. The mover will  
104 start debate by speaking in favor of the motion.  
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106 9. Whenever a vote is taken during an Academic Senate meeting, eligible  
107 voters present will choose between voting 'Yes,' 'No,' 'Abstain,' and not  
108 voting at all. Voting may be done by voice, show of hands, an electronic  
109 method (such as clickers), or a secret ballot (with paper ballots or  
110 electronic ballots). To determine the vote's outcome, the YES votes will be  
111 compared to the NO votes; the one with most votes wins.  
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113 10. When voting is done by voice or by an uncounted show of hands, the  
114 result shall be recorded as "The motion (the vote) passed" or "The motion  
115 (the vote) did not pass."  
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117 11. When the number of votes is tallied (counting the show of hands, ballots,  
118 or electronic votes), then the results shall be recorded showing the total  
119 number of YES votes, the total number of NO votes, and the total number  
120 of ABSTENTION votes. In this case, the number of abstention votes is  
121 recorded for informational purposes only. Only YES votes and NO votes  
122 determine the outcome of the voting.  
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### EXECUTIVE COMMITTEE

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132 | 12. The Executive Committee will meet ~~on Wednesdays at 12:00 p.m.~~weekly.  
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134 13. Agendas and approved minutes of the Executive Committee meetings  
135 shall be made available on the Senate website. STANDING COMMITTEES  
136 OF THE ACADEMIC SENATE  
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138 14. Standing Committee meeting times, places, and agendas will be made  
139 public and affected parties will be invited to clarify on issues, particularly  
140 when there is no representative on the committee from a constituent unit.  
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142 15. Agendas and approved minutes of Standing Committee meetings shall be  
143 made available on the Senate website.  
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145 | 16. If a member of EC is also a current Senator, they will give up their Senator  
146 seat as a one-year replacement during the year they are on EC; EC  
147 members have a vote during Senate and vacating their Senator seat will  
148 allow for another faculty member to represent their college/school/unit for  
149 voting purposes.  
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### MEETING NORMS FOR SENATE-SANCTIONED GROUPS

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155 17. Shared leadership: All are responsible for reinforcing norms and ensuring  
156 the meeting is productive.  
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158 18. Full participation: Meeting times will be established by consensus to  
159 maximize participation by all members. All agree to make themselves as  
160 available as possible during regular working days and hours, Monday  
161 through Fridays. Members will come to meetings on time and prepared to  
162 participate. If absence is anticipated, members will notify the chair in a  
163 timely fashion.  
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165 19. Achieving the agenda: The agenda will be distributed in advance, and  
166 members will strive to stay focused on the agenda.  
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168 20. Safe environment: All voices are solicited, actively listened to, and  
169 respected. Diverse viewpoints and contributions from all participants are  
170 valued.  
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172 21. Civilized disagreement: Differing opinions on matters of business are  
173 expected. When these differences emerge, they will be managed in a  
174 respectful, professional manner as members work toward a better  
175 understanding of one other.

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177 22. Self-assessment: Members self-check their own behavior, and regularly  
178 assess how well the group is functioning and adjust accordingly.  
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180 23. Sense of humor: Have fun while working towards common goals.