THE MINUTES OF THE ACADEMIC SENATE (AS-5)

CALIFORNIA STATE UNIVERSITY, FRESNO

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Office of the Academic Senate

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October 9, 2023

Members excused:

Members absent: M. Hernandez, R. Klepper, S. Miller, B. Munoz, B. Noël Smith, S. Pao, R. Sias, B. Yang

In-person attendance: 26 Zoom attendance: 24

The Academic Senate was called to order by **Chair Hall** at 4:02 p.m. in Library room 2206 and via Zoom video conferencing.

1. Approval of the Agenda.

*Motion to approve agenda*

*Second*

*Vote to approve agenda: approved*

1. Approval of the Minutes 10/2/23.

*Motion to approve amended minutes*

*Second*

*Vote to approve amended minutes: approved*

1. Communications and Announcements.

*Questions for Provost Fu:*

**Senator Kensinger**: I want to return to the issue of the bomb threats. Given what we’ve seen and now know about the threats and that this was a coordinated attack on a number of universities - I may be wrong about that, but I got it off the news. It was particularly aimed at the LGBTQ+ community. I wonder if administration has sent out any reassurances or sought out means of communication with staff, faculty, and students who are party of LGBTQ+ community to assure them that they are valued members of our community and make sure they aren’t feeling any undue stress and lack of welcome because of what’s going on. I want to make sure there is some clear communication that is welcoming and affirming of contributions of LGBTQ+ members of our University.

**Provost**: That is very timely advice and reminder as the University is thinking and reflecting on what has happened. It happened very fast and people were rushing to respond to the media, the president was out of town, I was on the phone with many people. We can improve and should improve. I know for a fact I have talked to the president several times including on Friday when he was in between flights. I called him and said we need to be concerned about something else, not just responding to the threats. There are several things we want to do. We need to have systematic support for faculty and staff if they are approached by the media, so they know who to call. The second is a support system. We have a crisis hotline, and HR. But that only exists for grief or big accidents. But we don’t have something for lower levels, when we are pressured by outside forces. We are going to build up the system. The lesson we all learned is how we can improve communication internally and externally and how to support our people first. The president has met with Dr. Jones and has deeply realized that. We need to make an announcement that we support our LGBTQ+ community. We are also working on setting up an LGBTQ+ advisory committee. This incident doesn’t mean we don’t support this community, but we need to improve the way we do it. I was very uneasy with what happened. We want to make sure that in communications, there is faculty and staff representation. If we only look at top levels, we might lose sight. The President and I met with Dr. Miele last week and we are starting that process.

**Senator Kensinger**: I appreciate that, it just felt after the fact. We need to make sure we all carry this forward. People who were targeted are now feeling vulnerable. Not just faculty, a group of people.

**Provost**: I learned something, too. When the media pressures, how should we respond? I think we can collectively improve this process.

1. Consent Calendar
	1. APM 232 & 400s, 500, 600s – Cosmetic Edits (Consent Agenda Edit Request).
	2. APM 320 Designated Position Name Change.

*Consent calendar approved*

1. New Business

*None*

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

*Discussion on amendment to Section IX.D.4 of APM 301:*

**Senator Stillmaker**: We got great feedback from senators. K. Stillmaker and I went to Faculty Affairs and AVP Schmidtke got us data on how many lecturers are applying.

*Data presented by AVP Schmidtke*

**AVP Schmidtke**: Assuming they meet the minimum qualifications,

**Senator Holyoke**: The column that says CSU lecturer applicants is from all 23 campuses?

**AVP Schmidtke**: Yes, and the vast majority are from our campus. We don’t get many from other campuses.

**Senator Ram**: This is under current policy? So if we were to adopt this amendment, there is a possibility that more would apply, correct?

**AVP Schmidtke**: Possibly, but the policy already exists in CBA. Current CBA says “should” be granted an interview. So if we convert it from optional to “must”, it might increase applicants.

**Senator Ram**: But to clarify, it says “on their campus” so it is leaving it to the campus. So if we adopt this amendment, it would not be limited to this campus.

**AVP Schmidtke**: Yes, and we might see a small uptick but not sure it would be a significant uptick.

**Senator Kensinger**: Reminder that we have split the two questions. Question about WGSS search in 22-23. Was that actually the American Indian Studies search?

**AVP Schmidtke**: Yes, I believe so. I would have to verify that.

**AVP Schmidtke**: Last year had an unusual number of searches. There were 56. This year we will have 33 that have been approved.

**Senator Pitts**: If we adopt this language being proposed, the number of applicants isn’t going to increase, theoretically?

**AVP Schmidtke**: It could. People may not have applied because they thought there was no mandate to be interviewed. So there could be a slight increase, but we’re talking about people uprooting their lives to move to Fresno. Don’t know if this would change dramatically.

**Senator Wise**: The last part of language, should it say the search committee “must” provide justification if we approve “must”?

**Senator Kensinger**: It is my understanding that the goal of this amendment is to strengthen potential diversity of hires. As I look at those numbers, I don’t have any sense of if those numbers strengthen or limit diversity outcomes. I might be giving up slots where we might have had more diversity. Trying to understand how numbers compete with the goal of diversity.

**AVP Schmidtke**: We see more women and minorities in lecturer rank than tenure-track ranks. I could come back with details of that in a couple of weeks. We could do that analysis.

**Chair Hall**: K. Stillmaker made the case that it would add diversity to the pool for their searches.

**Senator Shatz**: Want to remind everyone that Senator Mulhern brought up the issue that the intention of the CBA language, which I strongly agree with, was to promote equity within the community of the campus. Recognizing that our lecturers in our departments are already serving our community and students. Not only is it out of respect for them to grant them an interview, because they are part of our faculty, but also because lecturers are looked over because they haven’t had many opportunities to do research or as much research, it is giving weight to the fact that we prioritize they already have relationships with our students and are built into our community. I think that’s important. This is about diversity in the faculty pool and recognizing those who are already serving and are integrated into our campus communities. If we strike “on our campus”, we’re expanding it to CSU lecturers, but what about lecturers not in the CSU system? People coming from the CSU system have some familiarity with our system and student population, but campuses are different. And the question of diversity, this would diversify the faculty pool. But in my department, we have tons of lecturers who represent diverse populations, but the ones who would be eligible do not. So diversity of the pool does not translate to diversity in applicant pool.

**Senator Huerta**: I would like to see those numbers on lecturers, because I think that our lecturers often do represent our student body in some schools and departments. That language of must or should is very important. I know of lecturers who were interested, but never got a phone call.

**Chair Hall**: We are debating on our campus versus all campuses. Do you have an opinion about that?

**Senator Huerta**: I think we should open it to all campuses.

**Senator Mortimer**: With two searches in Psychology, we ended up with diverse pools. But we decided to do a phone interview for anybody who applied who met basic criteria. We did 15 phone interviews. It is doable. I would argue that when we’re looking at increasing by 1 or 2 people, it isn’t that much of a sacrifice compared to what we would gain in diversity and experience teaching in the CSU.

**Senator Holyoke**: Inclined to argue against the motion to strike “on their campus.” If lecturers at all campuses could apply for some positions, there are probably 100 lecturers who could teach American Government. If we’re searching for that kind of position, we could potentially have a large number of people who we would be obligated to interview. That would almost certainly reduce the number of people from other areas since it is a nationwide or broader search than that. Concerned that those slots would be taken by obligation to interview several dozen lecturers in CSU.

**Senator Riar**: I would like to keep “on their campus” in there because if we exclude that, we are tying the hands of the search committee. If we leave it in there, I am in favor of lecturers who have already served the community. If we open it to all CSU, it could be any lecturers at any campus in the world and we would have to interview them over the phone. We were in a similar situation as Senator Mulhern described, we had 12 phone interviews and 5 on campus. As a committee, we can decide who meets the objectives of the description. If we keep it within the campus, then they are already there. It would be wise to give them the interview. But if we remove it, would open a large pool of candidates which look good on paper but during the phone interview you realize they are not well qualified. We should leave to the search committee to decide who to interview.

**Senator Stillmaker**: Senator Riar brings an excellent point. Want to clarify that the intention of the amendment was to open it to CSU, not the whole world. Propose a friendly amendment.

**Senator Kensinger**: He’s right, this is important once you get rid of “pursuant to the CBA.”

*Friendly amendment accepted*

**Senator Jones**: Are we striking CBA language with the first or second amendment?

**Chair Hall**: The first.

**Senator Stillmaker**: It has to go with both because any changes would no longer be pursuant to the CBA.

**Senator Ram**: Want to agree with Senator Holyoke and Senator Shatz and Senator Riar and oppose the amendment, I believe we should keep “on their campus.” In Political Science, some may have 15 applicants, we had 300 on our last search. We got a diverse pool, and if we added lecturers, we would have given priority to people who meet minimum requirements and would be white males.

**Senator Peterson**: Question to clarify, this isn’t giving precedence to anybody, nobody is being given a place who wouldn't be eligible otherwise, right?

**Chair Hall**: That’s the intention, but what if there are 500 applicants?

**Senator Peterson**: But we’re not taking the place of anybody else. It just means they can go through the whole interview.

**Senator Stillmaker**: The intention of that was that they would add extra, so the data from AVP Schmidtke would not only increase the interviews a little.

**Senator Shatz**: Question, now we’re talking about the CSU. Is that because we have data that CSU lecturers are representing a diversity that lecturers more broadly are not? Or are we saying that anyone working at CSU campus has a particular commitment to or knowledge of our student body that other applicants do not? What is the justification for opening broadly to CSU? Diversity, or more commitment to students than lecturers at other institutions? Don’t understand why we’re drawing the parameters here.

**Chair Hall**: K. Stillmaker made a case that it would diversify the pool.

**Senator Stillmaker**: Her data show higher density of minorities and females in lecturer pool. To speak to Senator’s question, the intent was to open it up to CSU for diversity and equity. I see the point of opening it up to all lecturers, but our thought process is we have some knowledge of the standard of our lecturers versus lecturers at other institutions.

**Senator Mulhern**: I might be speaking to question about taking up slots and giving precedence. Speaking to K. Stillmaker’s presentation, her argument was that we could be opening up the phone interviews to people who wouldn’t have interviews otherwise. Her more important point is that giving somebody a phone interview does give them a leg up, gives them an opportunity to humanize yourself and talk about fit for the job. The way it applies to the conversation is on the issue of the goal being diversity and equity. But those are not specifically and clearly named, that might be part of the issue that we’re having here. I tried to raise this around perverse incentives. Some departments would get more diverse applicants this way. We also heard from departments who would get more white men. I would like to see language that is specifically targeted to the outcome we want to see.

**Senator Lent**: Someone asked, what is in place that we would want to bring CSU lecturers from elsewhere. There is the chancellor’s doctoral incentive program. A lot of doctoral students are lecturers at other CSU, those are the types we want to make sure we get. It creates a pipeline to allow them to come to a CSU. If you think about minimum qualifications, you can craft something so that you’re not interviewing every single lecturer. In our department, one qualification is active academic pursuit, that eliminates a lot of lecturers who only teach. If you are careful about minimum requirements, those are set by the search committee.

**Senator Pitts**: Statistics show it’s unlikely there would be an increase. The original intent was to diversify and address a problem in the CSU. Our primary reason for not adopting it is it’s too much work, despite the statistics showing that is not an issue. If our goal is diversity, we have to start somewhere.

**Senator Panagopoulos**: Trying to understand, is the discussion if we should use “should” or must”?

**Chair Hall**: No, we are discussing if we should allow other CSU campuses.

**Senator Panagopoulos**: Referring to Section VII, the purpose of this clause is not so much to diversify the pool, but to force the committee to provide justification of why some were selected and some weren’t. Based on speculating on the CBA. Not sure that diversifying the pool was the primary goal of this.

**Chair Hall**: Do you support or not support the current amendment?

**Senator Panagopoulos**: Based on this, I support to allow lecturers at the other CSUs. Depending on what the purpose of the CBA was.

**Senator Roach**: Motion to close the debate.

*Motion to call the question on amendment to Section IX.D.4 of APM 301*

*Second*

*Vote on motion to call the question: approved*

*Vote on motion to amend Section IX.D.4 of APM 301: approved*

*Discussion on amendment to Section IX.D.4 of APM 301:*

**Senator Jones**: Suggest that we strike Footnote 27.

**Chair Hall:** The whole footnote is struck if this amendment is approved.

**Senator Panagopoulos**: Now that all CSU lecturers can apply, the “must” might be a bit strong. It might lead to a lot of work for the committee to handle. I am suggesting another amendment to clarify that a letter must be provided to lecturers of the campus, and should or could be provided to lecturers at other CSUs. The reason behind this is that it would help the collegial atmosphere within the department if a lecturer within the department gets a formal letter about why they didn’t proceed. But providing letters to all lecturers would be a lot of work.

**Chair Hall**: Would you like to make a motion?

**Senator Panagopoulos**: Yes.

**Senator Stillmaker**: This would go against the amendment we just approved.

**Senator Kensinger**: I’m not sure it does that because it has to do with the response letter.

**Chair Hall**: I think Senator Panagopoulos was proposing that this be about the interviews.

**Senator Panagopoulos**: No, I’m talking about the letter, that the committee provide a justification.

**Chair Hall**: We are debating the should or must clause, and we need to finish that.

**Senator Lent**:  When the original CBA was proposed and accepted, there was specific conversation about whether or not this was grievable. CSU said this is not grievable. So if we put this in our internal policy, do we make it grievable on our campus? And how will those grievances be handled? With the mismatch between CBA and APM, we should be careful.

**Senator Holyoke**: The CBA always trumps the APM if there is a conflict. If this is considered non grievable now, then it has to remain non grievable regardless.

**AVP Schmidtke**: That isn’t uncommon. If you look at RTP and the probationary plan, not every campus uses a probationary plan. But that can become grievable here. If CBA has a requirement, that’s the baseline.

**Senator Mulhern**: Speaking to the same point. Footnote 27 remains true in the same way that CBA does use “should'' and not “must.” AVP Schmidtke’s clarification speaks to the difference between APM and CBA. CBA does use “should" and that continues to not be grievable. It may be the case that it’s not required to be connected to the “must”. On the topic that we’re discussing, I have to respectfully point out that Senator Pitts has mischaracterized my department’s position as being about workload, but my department’s position is about diversity and equity and we were recently granted an accolade for being the most diverse philosophy department in the country. We have been clear that the language would damage our ability to do the work of diversity and equity, so now we’ve lost the language to be able to prioritize our diverse and often female campus members. Now we’re looking at this language that we must grant phone interviews. My department feels that this language is intended to correct a problem with some departments, but it’s causing a problem with our department.

**Senator Pitts**: Point of clarification, I did not make a statement specifically to Senator Mulhern’s department, but rather to the debate amongst the Senate.

**Senator Pinzon-Perez**: Agree with the statement “must” because it represents a commitment to equity to someone who has already served the campus. Second, I would add that justification is presented to EEOD.

*Motion to amend Section IX.D.4 of APM 301*

**Senator Stillmaker**: Point of clarification, is this an amendment to “must”/”should”?

**Chair Hall**: This is about the letter.

**Senator Bryant**: I’m not seeing where there is a letter, and isn’t that justification to Faculty Affairs, not to the candidate?

**Senator Lent**: Speak in favor of having “should” because we just opened it to everyone. And that makes departments think carefully and give justification for why they didn’t grant an interview. It makes you think twice about why you excluded these individuals, but still gives freedom in cases where this hurts diversity.

**Senator Peterson**: I am showing support for “must” because we talk about diversity, but it’s all been gender-based. That’s one aspect of diversity. If we’re trying to go for diversity of everything, “must” gives everybody an opportunity. If we leave “must’ in there it allows everybody who was qualified to have that opportunity.

**Senator Rodriguez Matos**: Speak in favor of “must” because one thing brought up in K. Stillmaker’s presentation was bias against lecturers and lecturers being dismissed. “Must” gives them a chance to demonstrate that they have not been just teaching.

**Senator Pinzon-Perez**: I have two components. One is I’m supporting “must” and second was related to EEOD. With “must” I was checking about the difference between “must" and “should”, “must" is more compulsory while “should" is best action. I support “must.”

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

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The next meeting of the Academic Senate will be October 16, 2023.

Submitted by Approved by

Amber Crowell Ray Hall

Vice Chair Chair

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