

Chair Mortazavi called the meeting of the Senate to order at 4:05 pm on Tuesday, March 30, 2010, Nelson Hall East, Room 102 (Goodwin Forum). A quorum was present.

Members Present: Altschul, Berman, Cannon, Cheyne, Craig, Ellerd, Faulk, Flashman, Fulgham, Goodman, Heise, Knox, Margell, Meiggs, Mola, Mortazavi, Nordstrom, Paynton, Powell, Reiss, Richmond, Rizzardi, Snyder, Tripp, Van Duzer, VerLinden, Yarnall.

Members Absent: Butler, Chapin, Gunsalus, Olson, Ryerson-Replogle.

Proxies: Knox for Bolick-Floss, Cheyne for Moyer, Cannon for Powell (1<sup>st</sup> half), Fulgham for Thobaben, Rudberg for Rodriguez.

Guests: Boyd, MacConnie, Munoz, Ayoob, Hurlbut, Burges, Mann, Phillips, Werner.

### **1. Approval of Minutes from the Meeting of March 23, 2010**

M/S/P (Fulgham/Flashman) to postpone approval of the minutes of the meeting of March 23, 2010 to the next Senate meeting.

### **2. Reports, Announcements, and Communications of the Chair**

Proxies were announced.

Senators were reminded to visit the Moodle site and read the rebuttal statements submitted by departments and participate in the question and answer sessions.

### **3. Consent Calendar**

All consent calendar items were approved without objection:

**09-276: PHIL 485: Seminar in Philosophy**, change units to 3 from variable 1 – 3. This is a housekeeping change; the course is always offered for 3 units.

**09-325: Philosophy 380: History of Philosophy: Pre-Socratics through Aristotle**, change course number to PHIL 341 (because 380 is now reserved for Special Topics)

**09-326: Philosophy 382: History of Philosophy: Renaissance through the Rationalists**, change course number to PHIL 342 to keep the History of Philosophy courses in numerical sequence

**09-327: PHIL 383: History of Philosophy: Empiricists & Kant**, change course number to PHIL 343 to keep the History of Philosophy courses in numerical sequence

**09-328: PHIL 384: History of Philosophy: 19th Century**, change course number to PHIL 344 to keep the History of Philosophy courses in numerical sequence

**09-329: PHIL 385: History of Philosophy: China**, change course number to PHIL 345 to keep the History of Philosophy courses in numerical sequence

**09-330: PHIL 386: History of Philosophy: India**, change course number to PHIL 346 to keep the History of Philosophy courses in numerical sequence

#### **4. TIME CERTAIN: 4:15-4:30 – Open forum for the campus community**

There were no speakers.

#### **5. Program Elimination – Discuss Process and Finalize Format of April 3 Meeting**

A tentative agenda has been provided for Saturday's meeting. The Senate needs to discuss the agenda and format of the meeting. The meeting has been extended beyond the Q & A session from 9 am – 1 pm. The Senate will meet from 1-3 pm. The meeting will be open; however the Senate needs to discuss whether or not participation in the discussion will be limited only to senators. It was suggested that the meeting be closed and many of the Senate Executive Committee members disagreed.

Discussion:

- It was requested that the Senate have a broader conversation about having an open versus a closed meeting, rather than just stating that it will be an open meeting. Concern was expressed regarding the political consequences of targeting certain programs for elimination. It may do more harm than good to have the Senate's discussion period open to an audience. It would not be inappropriate to discuss these kinds of personnel-related matters in a closed session.
- Additional concern was conveyed about the potential for misrepresentation by individuals and by the media of the Senate's discussion and that this could be shared quite broadly. A closed meeting would be preferable.

It was clarified that the Senate is currently discussing only the afternoon portion of Saturday's meeting.

- It is not a good idea to close the meeting. HSU is a public university and meetings are generally open unless there is a personnel matter being addressed. Program elimination affects personnel, but no specific individual personnel are directly being affected. The Senate has publicly discussed and voted on eliminating programs in the past several weeks. This shouldn't be treated any differently. The discussion and deliberation should be among senators, unless a pressing question needs to be answered from someone outside of the senate.
- If the meeting is closed, then Chair Mortazavi needs to be prepared at the end of the meeting to make a public statement. If it is open, discussion should be limited to senators and the Senate needs to strictly regulate this. It is common for public meeting to be closed to public participation.

Chair Mortazavi received emails from a couple of department chairs who stated that they would like the meeting to be open, but that they have no intention of participating.

- The Senate is not talking about personnel matters; it is not discussing anyone's performance. According to Sturgis: "A closed session of an assembly (sometimes referred to as an 'executive session') is a meeting open only to members of the assembly in which sensitive or confidential matters may be discussed and acted upon. Guests, such as witnesses, advisors, or staff, may attend only by invitation." Article VIII, Section 3 of the Senate bylaws states: "Exception to provision 2 [which discusses executive session] may be made by unanimous consent if the presence of the nonmember is necessary to the matters to be discussed." Sturgis also notes that many states have sunshine laws restricting the use of closed sessions. The Senate needs to be careful about having a closed session. The Senate is not taking any action on Saturday afternoon; it is deliberating and coming up with hypothetical ideas to frame for the Senate on Tuesday. Some form of closed session would be okay, as long as people are allowed to attend, but not necessarily speak.
- On Saturday afternoon the senators will break into groups and develop packages of programs for elimination based upon rationales that will be put together. Some of these will be forwarded to the Senate. Concern was expressed that senators need the opportunity to have a frank conversation regarding the proposed packages without causing harm that might occur as a result of proposing something that is not ultimately forwarded to the Senate.
- Concern was expressed that two or three packages might be identified on Saturday to be forwarded to the Senate for action on Tuesday and the press may publicize that information, which could cause a certain amount of consternation prior to a decision being made. If the 1-3 pm session is kept open, then audience members should not be included in the break-out groups. The groups should be able to have unmonitored informal discussions.
- There is no way to avoid consternation and misunderstandings. The Senate is better off erring on the side keeping the meeting open.
- The break-out sessions should be closed; only members of the senate should be involved in the discussion. These are difficult decisions and they need to be made based on evidence and facts. It is not necessarily a good idea to air all of the discussion. A lot has been shared already, and concerned parents, etc. are calling about various programs. The senate needs to control the process, not necessarily close it.
- There is some wiggle room in terms of having closed break-out sessions which would be similar to subcommittees. However, the headlines could also read "the senate meets secretly ... ". It could go either way and the senate needs to figure out a middle ground.
- The senate should be open and public about its views and discussions. Senate meetings and any related committee meetings should be open to observers. The small groups should be open, with participation restricted to members of the senate.

Senate meetings are always open except when executive session is needed, so both parts of the meeting on Saturday would be open unless the Senate passes a motion to close either one of them.

M/S/P (Cheyne/Paynton) that both sessions of the meeting on Saturday, April 3 be open, but that during the last two hours (1-3 pm) non-senators may not participate in the discussion.

Discussion:

- The way the motion is worded implies that non-senators have unlimited participation in the discussion during the morning session.

Chair Mortazavi clarified that during the first four hours there will be questions and answers (i.e., no presentations). Questions will be asked by senators and answered by department representatives.

Voting on the motion occurred and **PASSED**.

Chair Mortazavi stated that it has been suggested by the Senate Executive Committee that during the second part of Saturday's meeting, the Senate work in small groups to come up with possible packages of programs for elimination, versus voting on individual programs, beginning at the bottom of the list and moving up one by one. What is the preference of the Senate?

- One advantage to having packages is that different packages might accomplish the same purpose. Concern was that voting *ad seriatim* would make it difficult to keep track of what the monetary relationships are.
- What is the desired outcome of the two hour session? Concern was expressed about what will be turned over to the Provost. It is important for the Senate to provide the Provost reasons why programs are being chosen for elimination. The two hours should be used to develop some rationale behind the proposed eliminations. This takes time and writing skills. The Senate needs to decide which ones need to be written up with justifications for eliminating or not eliminating.
- If a package of programs is developed and then not passed by the Senate, does that mean that all programs in the package are not accepted for elimination? Can the programs in the package be pulled out and considered separately? It was remarked that this is a separate question that the Senate needs to address.

The suggestion at the Senate Executive Committee meeting was that on Tuesday the Senate would vote on packages of programs first. If none of the packages pass, then the Senate would proceed to voting program by program. It was not an either/or scenario.

- The end product is a package of programs suggested for elimination. The better way to go about this is to talk in terms of packages. A decision is not being made based upon the

quality of programs. The Senate is considering the value and cost of programs. They have to be weighed in relation to each other or as packages.

The idea from the Senate Executive Committee was that each small group would come up with a set of cuts which met the cost savings requirements along with a rationale. The small groups would share their results with each other and it would be determined if there were common elements that everyone could agree to. The problem with going up the list and voting ad seriatim is that you don't know how far up the list the Senate will go. Packages provide a more holistic and coherent sense of why a particular package is best.

- It is not going to work voting program by program. It will matter which ones go first and how colleagues have voted. It gets messy politically.

M/S/P (Fulgham/Van Duzer) that during the 1-3 pm session on Saturday, the Senate will break into small ad hoc task groups of 4-6 individuals of mixed composition, for a 30 minute dialogue with a goal to identify packages of programs for elimination, to identify commonalities and develop rationale, and to return to the full group and come up with packages to return to the April 6 meeting of the Academic Senate.

Discussion:

- If the Senate votes on programs one by one, it is not limited from going further up the list. Concern was expressed that packages will be limited to only the ten programs at the bottom of the list.
- This is a way to allow identification of some common programs between proposed packages. The default is to go back to the list one by one.
- Is one of the possible outcomes of the Saturday meeting that some set of programs currently under consideration will not be part of any of the packages? Is it correct to assume that the Senate is coming up with packages it thinks will be passed? If it quickly becomes apparent, after this exercise, that there are a limited number of packages that will provide the needed dollar amount, then one possibility would be to use this exercise to expedite a conversation on how to proceed from there. If this round doesn't work, the Senate will need to move quickly to the next part of the process.
- The Senate has handicapped itself by limiting itself to only the first ten programs on the list. The process on Saturday should identify a package or set the stage for what comes next.
- The packages could be provided as options for voting at the April 6 meeting, i.e., senators could choose one to vote for, but would not vote against any package. After a package is chosen, it could be brought back to the floor and modified as needed. This would allow for some compromise.

M/S/P (Van Duzer/Fulgham) to end debate. Voting occurred and **PASSED** with 3 Abstentions.

Voting on the main motion occurred and **PASSED** with 2 Abstentions. The motion was re-read.

Chair Mortazavi noted that the question of whether or not senators should recuse themselves from voting on their own programs has been raised.

Discussion:

- It is up to individual senators. It is each person's ethical responsibility to decide for his/herself.
- The Senate should make a decision; it should not be left up to individuals. There are programs under consideration that do not have representatives on the Senate which in and of itself creates an inequity. Programs should not be disadvantaged because of a lack of representation on the senate; nor should programs be advantaged because of representation on the Senate.
- Does recused mean that the individual doesn't vote on their own program, or do they not vote on any of them? It was answered that they would not vote on their own programs. Senators who do not have a program on the list were asked to raise their hands – there were nine.
- How does this affect the student representatives on the Senate? This would need to be clarified as well.
- How does this work with packages? It would make for a difficult voting process if a member of the senate has a program that is included in a package.
- Even if senators recuse themselves from voting on their own programs, they are still voting against other programs, unless the recusal is across the board. If people want voice, they should join the Senate.
- Everyone should have a voice and a vote. The difference is in the number represented on the Senate for some programs; maybe only one vote per program with multiple representatives on the Senate should be counted. There are covert and overt ways of voting. If wide participation is desired, then maybe a program could pick one representative.
- Could the Senate just agree that senators are not here to protect their own? We are trying to make cuts in the way that is the least damaging to the University and senators will take their responsibility to be representatives of their colleges.
- The vote needs to be informed. Everyone was reminded of the need to read the documents on the Moodle site and to ask questions.

M/S/P (Mola/Goodman) that all senators vote as they see fit. Voting occurred and motion **PASSED** with 1 No vote and 5 Abstentions.

Chair Mortazavi asked if senators wanted to have further discussion at the meeting on April 6, or should a vote be taken immediately at the beginning of the meeting.

Discussion:

- The Senate may need an hour for questions and answers and discussion, but a time certain should be set for taking a vote. The Senate needs to get this done.
- It was suggested that time be allocated for people recognized to speak for or against the packages with equal time limits. If there is no opposition, then discussion is not necessary.
- It was suggested that senators start building rationales for packages on Saturday and allow limited discussion of pros and cons when the packages are brought to the floor of the Senate.
- It was suggested that the minutes from the Saturday meeting and Tuesday meeting would be used to create a document/rationale to give to the Provost, rather than trying to wordsmith it during a Senate meeting.
- Several additional questions were raised. Will each package be discussed and then voted upon? Will a majority vote 'win'? Will packages be voted up or down as written or will there be an opportunity to make amendments?
- A collection of comments from the Senate will be disregarded; the Senate needs to have a rationale to vote on.
- When a package is passed by the Senate, those in favor could write a (majority) rationale and those opposed could write a (minority) rationale – and both would be forwarded to the Provost. The rationales should not just be a collection of comments from the discussion. This might not be the end of this process considering the magnitude of California's financial problems. It would be helpful to have thoughtful rationales developed for possible future use, if program elimination comes up again. The rationales could be written outside of senate meeting time.
- Each senator should write their own rationale and all should be provided to the Provost.

Two models have been presented: 1) have one hour of senate discussion and then vote on different packages, and then as necessary on individual programs, and 2) have a time certain discussion for each package, and then vote. Which one does the Senate want to follow?

Comments:

- The Senate needs to be able to compare, i.e., hear about all packages first (if more discussion is allowed) before voting
- Have a 2-step process; a vote first, and if no package gets more than 50% support, bring back the top two contenders and vote between those two

- Questions may come up on Saturday that require more research before Tuesday; if there is to be discussion, it would be preferred to see all of the packages at once and have a single vote
- The senate should have a pretty clear idea from the Saturday meeting of what it wants to transpire on Tuesday; if none of the packages pass, then the voting will need to proceed *ad seriatim* – time would need to be allowed for this on Tuesday
- What happens if none of the packages are passed and the Senate works its way through the list of ten and still doesn't come up with enough reduction? Does the senate meet again on the following Saturday to go through the next programs on the list?
- If the Senate can only agree on cuts up to a certain amount (less than what is required), it has the option of saying to the Provost that this is all it could come up with. It also has the option of going back and starting over again. A decision has to be forwarded by April 20.
- If the Senate is allowed only to forward recommendations for a limited amount of the total reduction, then it is up to the Provost to find ways to reduce the rest.
- Senators were reminded that the approved process calls for going up through the entire list until reductions are reached (or not).
- Concern was expressed that the Senate will not be able to move further up the list with an April 20 deadline. Programs currently under consideration have had time to submit rebuttals and there has been time to review them.

Chair Mortazavi asked senators to address the question of how questions and answers should be handled at the April 6 meeting. Two models have been suggested.

- It was suggested that the first model be used, with the discussion limited to one half hour, before the voting process begins. There should be plenty of time allowed for the voting process.
- Since voting with response cards will go quickly, it was suggested that the discussion be extended to forty-five minutes.
- Will senators choose one package out of however many are suggested, or will they vote on each package individually? It was stated that senators would vote for the one package they preferred.
- Response cards will allow senators to choose different options for voting. In terms of consensus building, it would be good to format the voting in a way that senators indicate "which of the following packets they prefer."
- The outcome is determined by the method chosen for expressing preferences. It is important to consider which method the Senate wants to use, before knowing the preferences.

Chair Mortazavi asked the senators to choose: 1) vote on individual packages or 2) choose one from a group of packages.

Comments:

- Do them all at once; if none get a majority, then take the two with the highest number of votes and vote on them.
- The vote could be done preferentially – i.e., 1<sup>st</sup> choice, 2<sup>nd</sup> choice, etc.
- The senate needs to decide on a way and stick with it; and it needs to be clear to everyone
- It was noted that voting on the top two forces a positive voice and doesn't allow the senate to move up the list if no package is chosen; i.e., there is no option to vote against each package
- Should the vote include "none of the above" – so it doesn't limit the senate from going further up the list?
- The Senate needs to consider what will be a deciding vote; is a majority of the Senate required? What if senators abstain from voting, or recuse themselves?
- A system of point voting be used if senators want to show preference, i.e., senators are given a certain number of points and may assign points to programs
- Have a two-step process (on Saturday); select the two packages with the most votes and move them forward, but also vote on whether or not Senators support moving the recommendation forward to Tuesday; package could be amended before going on
- Concern was expressed that the Senate is boxing itself in by finding the savings needed only from the groups being considered on Saturday. The Senate is making this too complicated; there are an endless number of ways to vote. It was suggested that senators just vote each package up or down. If none of them pass, then the senate votes sequentially on individual programs, essentially re-building a package. Then, if needed, the senate continues into the programs not considered yet.
- How does the Senate decide how to order the vote; i.e., what package gets voted on first and in what order? It was suggested that senators vote on Package A, yes or no, and if it does not pass, then move on and vote on Package B, etc. If none of them pass, then the voting ad seriatim begins from the bottom of the list.
- It was suggested that senators vote on all four packages without knowing the results; the results of the voting would be revealed after all four votes were tallied. This would avoid any prejudice in the voting or worry about order.
- It was suggested that all voting be preliminary to a vote on a final recommendation to the Provost. The final vote, subject to amendments, would put everything together that will be sent to the Provost.

M/S/P (Margell/Cheyne) that the Senate shall vote silently on all packages presented before the results of the votes are eliminated.

Discussion:

- It was clarified that the voting will take place after the discussion.
- What if more than one gets a majority? The Senate needs to decide on how to determine which one "wins."

- It was noted that the faculty constitution has voting procedures, including how to determine a 'run-off'.

The intention of the motion is to have a vote without having the voting results of one package influence the voting on the next package. Voting would be on one package at a time.

- What if none of the packages gets a majority, but one package gets more votes than any other – does that package go forward to the Provost? Several senators responded, “No.”
- Opposition to the motion was expressed.
- Confusion was expressed as to what would occur after the voting.

It was clarified that the motion is to vote without looking at the results until all voting is completed. What happens after the voting is not part of the motion on the floor.

- Senators are compiling the packages on Saturday; that work will frame the choices to be made on Tuesday. If needed, other programs (than the current ten being considered) will need to be included in a package.

Voting on the motion to vote on packages one at a time, without viewing the results until all voting is completed, following 45 minutes of discussion occurred and **PASSED**.

Questions regarding majority vote, finality of voting, etc. were left unanswered.

Chair Mortazavi announced that there has been a request from the media for copies of the rebuttal statements from departments. Senators responded yes and no.

Comments:

- Concern was expressed that the documents were addressed to the senate and permission from departments should be requested before making them public. They are posted on Moodle, but access is limited to the senate and other users who have been subscribed to the site.
- It is not a good idea. The Senate is supposed to be working for the university. Airing this causes alarm for potential students and their parents and creates damage before any recommendation is made.
- It was suggested that the media could contact the departments and ask for the documents.
- They are working documents and are not necessarily public.
- The Senate requested the documents for a particular purpose. If it wants to use them for a different purpose now, it is only respectful to ask the departments before using them for a different purpose.
- Are Senate documents not pertaining to personnel or salary issues legally considered public documents? It was suggested that legal counsel and clarification should be sought regarding the various comments that have been made regarding open meetings, etc., rather than relying on hearsay.

Chair Mortazavi stated that the media will be referred to the departments.

Chair Mortazavi has asked the Provost what will happen if the senate offers a package and the Provost only accepts part of the package. Does the senate leave the decision up to the Provost to find more programs or will the senate have to find additional programs?

Comments:

- What is the Provost asking the Senate to do?
- It is a timing issue; unless the Senate has a back-up (2<sup>nd</sup> choice), then it doesn't have time for further consideration.
- Shared governance is shared governance. If the administration decides that more is needed, it should come back to the Senate, regardless of the time. And the administration owes the Senate an explanation of its decisions and actions.
- If the decision is that the rationale presented by the Senate is not compelling, the Senate should get a response that explains why. If at this point, the Provost knows that he will not accept certain programs to be proposed for elimination, they should be taken off the table before the Senate votes.
- The Provost has made it clear all along that the Senate is making a recommendation to him. He has been asked specifically if he will accept whatever the Senate sends forward and he has answered 'no.' There should be no confusion about this. The question is what happens if the Provost says 'no'. The Senate can be certain that the Provost will provide an explanation for his decision. If the Senate forwards a recommendation for the elimination of the exact dollar amount, and the Provost doesn't agree, is he supposed to keep sending it back until the Senate and the Provost are in complete agreement? Everyone needs to be on the same page.
- It was noted that the Provost doesn't have to use only program elimination for the \$1.2 million needed; he has other options to choose from to reach the budget reduction target.
- It is very difficult to get a large group like the Senate to formulate and agree upon a single rationale. It is much easier for the Provost to form a rationale as an individual.
- How quickly will the Provost respond to the Senate's recommendation?
- The Senate has two choices; either carry out the process to completion or just turn it over to the Provost.
- The central question of whether or not any rationale will be sufficient for the Provost to accept a recommendation to eliminate a program he believes is essential to the university has never been answered.

Chair Mortazavi announced that he made the decision that the meeting on Saturday will not be videotaped. It is important for senators to attend the meeting. The meeting will be taped for the purpose of preparing the minutes; tapes will not be made available.

M/S (Fulgham/Paynton) to adjourn. Meeting adjourned at 6 p.m.