

Chair VerLinden called the meeting to order at 5:04 pm on Tuesday, May 10, 2011, Nelson Hall East, Room 102 (Goodwin Forum). A quorum was not present.

Members Present: August, Blake, Cheyne, Craig, Faulk, Flashman, Goodman, Heise, Kelly, Knox, Madar, Mola, Mortazavi, Moyer, Nordstrom, Powell, Reiss, Rizzardi, Thobaben, Van Duzer, VerLinden, Wilyer.

Members Absent: Altschul, Crowder-Fiore, Ellerd, Richmond, Rodriguez, Shaeffer, Snyder, Whitlatch, Yarnall, Yzaguirre.

Proxies: Knox for Berman, Powell for Van Duzer, Moyer for Rizzardi after 6 pm, Rizzardi for Tripp until 6 pm.

Guests: Ayoob, Paynton, Meyer.

1. Reports, Announcements, and Communications of the Chair

Proxies were announced. Provost Snyder is with a candidate and the President is in Long Beach.

The Senate has been asked to consider an additional interpretation of the HSU General Faculty Constitution. A ruling will be made after agenda item #7 and depending upon the outcome there will be consideration of what to do about the extension of terms for senators and senate officers.

2. Reports of Standing Committees, Statewide Senators, and Ex-officio Members

General Faculty (Powell): General Faculty President Powell reported that all measures in the recent election failed [except for the proposed amendment to the ASCSU Constitution and the ballot measure on authority and responsibility for the transition process].

Integrated Curriculum Committee (ICC) (Moyer): A concerted effort has been made to track down the status of every proposal sent to the ICC and to improve tracking of proposals through the review process.

Q: Is there a plan to inform the departments of the status of their proposals? A: No. Q: Would the ICC consider getting in touch with departments to let them know the status of their proposals? A: It would be a substantial amount of work and require considerable staff time. Should the ICC take time away from other things to do this?

Associated Students (Kelly): AS held a transitional meeting last Friday. Elections have been completed and a full council has been appointed. The AS will reconvene at the end of August.
Statewide Senate (Cheyne): The final plenary meeting of the academic year was held recently.

Matters considered included the issue of the proposed changes to the American Institutions requirement and reaffirmation of system-wide policies on special sessions (extended university/extended education). The latter is important because some campuses are dealing with fiscal crises by transferring curriculum to special sessions. The policies have been reiterated to ensure they are followed and local senates are urged to be aware of the policies. The consequences of moving to self-support could be serious for state-supported institutions.

Q: What was the perspective of the statewide senate on the American Institutions issue? A: It was completely supportive and it was felt strongly that there are other ways of dealing with this without letting faculty control of curriculum continue to erode.

A quorum was present.

3. **Approval of Minutes from the Meeting of May 3, 2011**

M/S (Goodman/Powell) to approve the minutes from the meeting of May 3, 2011 as written.

Senator Flashman requested that the text of his remarks made at the beginning of his presentation be added to the minutes. Voting occurred and the minutes as amended **PASSED** with 1 abstention.

4. **Consent Calendar**

The following Consent Calendar of items forwarded from the ICC was approved without objection.

09-280: FREN 312: French VI and Revolution in Modern French Literature Change C-class from 3 units of C-4 lecture and 1 unit of C-78 to 4 units of C-4 lecture. The class will now meet four hours per week rather than 3. It remains 4 units of credit and 4 WTUs. The longer class time will permit students to study more literature and have more guidance in developing writing skills.

09-281: FREN 314: Cultural History Topics in Early French Masterpieces Change C-class from 3 units of C-4 lecture and 1 unit of C-78 to 4 units of C-4 lecture. The class will now meet four hours per week rather than 3. It remains 4 units of credit and 4 WTUs. More hours of class will aid in better understanding of changes in the language during this time period as well as providing more opportunity to develop writing skills.

10-371: Social Work and the Arts Certificate – eliminate program. This is a clean-up proposal; Social Work thought the certificate had been eliminated some time ago, but recently discovered that it had not.

10-307 Program Change to Spanish Major: The new course proposed in 10-309 would be added to the major requirements. To account for the 3 additional units, the department proposes to change the UD elective units from 8 units to 6 units. This raises the major by one unit but the department has discussed this with the Dean's office and they have approved this.

10-308 Program Change to Spanish Minor: The new course proposed in 10-039 would be added to the minor requirements. To account for the 3 additional units, the department proposes to change the UD elective units from 12 to 9, thereby resulting in no net change to the total minor units. The majority of Spanish courses are 4 units; however, the department offers at least one (and usually several) 1-unit course(s) each semester, so students should be able to earn 9 units of electives.

10-309 SPAN 310: Spanish Advance Oral Skills NEW COURSE During accreditation review by the CCTC, the department was informed that they were deficient in meeting standard 8: Language and Communication Advance Listening Skills. They are proposing this course to meet that deficiency as well as resolving a historical gap in the Spanish BA which previously provided no advanced listening course.

M/S (Cheyne/Faulk) to place a motion from Professor John Meyer on the senate's agenda as item #8.

M/S (Cheyne/Faulk) to waive a 2nd reading and place the motion on the agenda as an action item. Voting occurred and **PASSED** unanimously.

Voting to place the motion on the agenda as item #8 occurred and **PASSED** unanimously.

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

Professor John Meyer commented on the proposed changes to American Institutions. Education for citizenship is more vital and more neglected than ever. The proposal is an attempt to address SB1440 by offering waivers. This seems to be a slippery slope and opens the door to more erosion of standards in the future. Though the departments of Politics and History teach the bulk of Institutions courses, there is very little self-interest at stake. Will the students who transfer from community colleges have the same expectation of requirements embodied in Title 5?

Professor Meyer also addressed the rules that were in place for last weeks' General Faculty election. He clarified that he was not speaking out of departmental self-interest or as a visible supporter of the changes proposed in the election. The issue of how the election was conducted is separate from the changes that were proposed. The following concerns were expressed:

- 1) The rules that were applied to the election meant that the interpretation of 'majority' was that 182 votes (a majority of eligible voters) were needed for passage. This rule was applied by the Nominating and Elections Committee. This interpretation has no precedent on this campus; at least four elections on changes to the General Faculty Constitution have been conducted since 2004 and none have used this interpretation.
- 2) The interpretation is at odds with the usage of the term "General Faculty" throughout the General Faculty Constitution.

- 3) Only the Academic Senate has the authority to interpret the Constitution.

Since the Senate has not offered an interpretation of the rules, it is incumbent to do so at this meeting. One way or another it is up to this body to interpret, rule and make a decision.

M/S (Cheyne/Faulk) to give agenda items #6, #7, and #8 a time certain of 5:30 pm (#6), 6:30 pm (#7) and 6:00 pm (#8) respectively. Motion **PASSED** with 1 Abstention.

6. Resolution Regarding the Proposed Changes to the Title 5 American Institutions Requirement (#33-10/11-EX) – First Reading/Waiver

M/S (Cheyne/Thobaben) to place the resolution on the floor.

Resolution Regarding the Proposed Changes to the Title 5 American Institutions Requirement
#33-10/11-EX – May 8, 2011 – First Reading/Waiver

RESOLVED: The Academic Senate of Humboldt State University (HSU) reaffirms its commitment to the principle that all graduates of our institution should demonstrate an understanding of “American democracy and of the society in which they live” so that they may “contribute to that society as responsible and constructive citizens;” and be it further

RESOLVED: That the CSU should not recognize transfer AA degrees that fail to satisfy the American Institutions requirement within the constraints of SB 1440 degrees -- as being too dissimilar to our own degrees; and be it further

RESOLVED: That the CSU should request that the Legislature amend “The Student Transfer Achievement Reform Act” (SB 1440) to clarify that American Institutions requirements should be fully maintained during the implementation of the law; and be it further

RESOLVED: That HSU will not waive the American Institutions requirement for any baccalaureate degrees; and be it further

RESOLVED: That copies of this resolution be distributed to the Chancellor, to the Board of Trustees, to the Academic Senate California State University, to all campus senates, to the Chairs of all CSU History and Political Science Departments, the Assembly Committee on Higher Education, and the Academic Senate of the California Community Colleges.

***RATIONALE:** The state of California was right to institute the requirement that all graduates of its state university system learn enough about American Institutions to become literate, contributing members of the polity. It would be wrong to weaken this requirement now, particularly for the sake of expediency, particularly at a time when higher education in California is in a state of ongoing crisis. Ever since the founding of the United States, and particularly since Alexis de Tocqueville assessed the state and prospects of American democracy in his landmark *Democracy in America* (1835-40), the dependence of a democratic society on the education of its citizenry has been widely recognized. Evidently the framers of the California Code were thinking of just this when they instituted the American Institutions requirement, aimed at providing California State University graduates with the “knowledge and skills that will help them to comprehend the workings of American democracy and of the society in which they live, to enable them to contribute to that society as responsible and constructive citizens.” Now, by proposing to waive that requirement for some majors in order to ease the transfer of community-college*

credits, the Board of Trustees and Chancellor are undermining one of the central claims higher education can make to the allegiance of its public.

“Of what use is a college training?” The American philosopher William James posed this question in an address called “The Social Value of the College-Bred” in 1907, when roughly 3% of the American population graduated from college. James believed that “a democracy like ours should have its sons and daughters skilful,” not only in the way of trades, but more particularly in the skillful identification of the types of characteristics in potential leaders that will predict sound policy. College graduates both choose and become future leaders, a responsibility that, according to a recent study by the Social Science Research Council, is already imperiled by universities that have too little impact on college graduates’ ability to think critically, read comprehendingly, and collaborate constructively. “Democracy is on its trial,” James warned, “and no one knows how it will stand the ordeal.”

*Of what value to society is the training provided in college? We must ask the question all the more urgently now that approximately one-third of the American population completes the B.A. The current defense of higher education on the ground of the usefulness of its graduates to industry is only one part of the social benefit of college training. True, faculty in their separate departments train majors in fields of study that will make them competitive in the marketplace and effective in their industries. By turning out a diversely equipped body of college graduates, the CSUs power the economy of the state and contribute to the vitality of the nation. But our national motto, *e pluribus unum*, calls on us to remember that diverse learning outcomes are only positive if graduates also share a common ground, which the American Institutions requirement creates. Right now, despite all the years of budget cuts and fee increases and other painful realities of the contemporary political and economic climate of California, every graduate of the CSU system knows where the American experiment came from and what its rules are, which give them both a stake in its future and the necessary tools for building that future—collectively. We resist any erosion of this common ground in the strongest possible terms.*

Discussion:

The resolution was not supported as it would make it difficult for some majors to complete needed requirements.

As a publicly funded institution, HSU has an important function to prepare citizens for active participation in a democracy. The language of the resolution is too weak, but it is imperative that it be endorsed.

SB1440 is bad policy on the part of the Board of Trustees (BOT). In addition to this resolution there should be others organized among the CSU campuses to strenuously object to all of this. It will make degrees from HSU much less demanding.

If the Senate says that HSU will not waive the Institutions requirement, is it possible to make it a requirement for graduation from HSU? Students would have to take it here.

The floor was yielded: The proposal is to allow campus presidents or the Chancellor’s Office to waive the requirement. Currently, students are having this requirement met by community colleges, but they want to wash their hands of the responsibility.

The floor was yielded: The idea of the Chancellor’s Office (CO) or an administrator waiving a requirement that is part of Title 5 is beyond imagination. It is hard to believe the faculty would want to cede that responsibility to administration.

M/S (Reiss/Craig) to strike the second resolved clause. After brief discussion voting occurred and the amendment **FAILED** with 5 Yes votes and 12 No votes.

Discussion continued:

All of the other campus resolutions are addressing a symptom. We need to stand up and shout that the faculty need to be setting the standard for curriculum for the university.

Something more fundamental is taking place that is dangerous, as pointed out previously, and the Senate should take action as quickly as possible to communicate to the CO that we don't want this to happen.

This is a Title 5 issue, not just a curriculum issue; the issues should be separated.

M/S (Faulk/Wilyer) to end debate and vote immediately. Motion **PASSED** with 1 No vote.

Voting on Resolution #33 occurred and **PASSED** with 2 abstentions.

7. Consider Objection to the Election of the Representative to the CSU Academic Senate

Chair VerLinden reminded everyone of the statements made at the last Senate meeting by Senator Flashman and Senator Thobaben.

Senator Thobaben spoke to the Senate, noting that this has been a personal and painful process and expressing a desire to have her name and reputation publicly cleared. According to senator Thobaben, the General Faculty Constitution was not written or ever interpreted to have term limits for the general faculty representatives to the statewide senate. She ran for re-election legally and in good faith and won the election. If the Senate wants to discuss term limits for statewide senators, it should be done separately.

M/S (Cheyne/August) that the Academic Senate communicate to the [Nominating and] Elections Committee its recommendation to uphold as constitutional the recent election for Statewide Senator, and further, that as soon as possible, the General Faculty vote on an amendment to the Constitution that clarifies the language regarding term limits as it applies to elected representatives of the faculty including Statewide Senators, members of the UFPC, ICC, Professional Leave Committee and all other bodies that have faculty representatives who are elected by the General Faculty. Copies of the motion were distributed to senators.

Senator Cheyne addressed the motion. Many of the issues in the motion have already been spoken to. It is not a matter of saying that precedence rules, but it should be recognized that there are good reasons for why things have been done a certain way for forty years. In 2004, a survey was done of all CSU campuses, including HSU, and Sacramento was the only campus that did not have term limits for statewide senators. There is a good reason why they don't have term limits. Personal issues should not prevent the Senate from grappling with issues, but as colleagues, there is a need to be sensitive to professional and personal consequences.

Discussion:

There is a convergence of two issues. The motion calls for an amendment of the Constitution. The Senate is given responsibility for interpretation of the Constitution and there is a need to interpret who is a representative, etc. independent of this motion. If the Senate chooses to say that the statewide senators are general faculty representatives, then holding them to term limits may jeopardize HSU influence at the system level. There are consequences depending on how this is interpreted. The Senate needs to do this expeditiously.

Past practice supports the validity of the election. Any different interpretation should be applied in the future.

Past practice is fine as long as everyone agrees to it, or nobody brings it up or knows about it. But when someone disagrees with a past practice, it needs to be discussed. Past practice commits the fallacy of authority. It says in the General Faculty Constitution that statewide senators are representatives of the General Faculty. The first part of the motion violates the Constitution.

It is important to look at past practice for a variety of reasons; it can offer information on intentions, etc. The fallacy of authority does not preclude anyone from investigating and determining if there were valid reasons for past practice. The language in the Constitution is not crystal clear.

Past practice may play a role in clarifying intent; however, it does not necessarily clarify intent in and of itself. But it cannot take the place of what the Constitution says. The Senate must be careful of how 'intent' is interpreted. It comes back to a question of whether the original language was intended to apply to current and future representatives of the general faculty.

The issue is about reading the Constitution and understanding what it says, and/or going outside of the Constitution as needed. It is the job of the senate to interpret the Constitution based on what is in front of it. Whenever the statewide senators were added, the Constitution could have been changed but it wasn't. We can't know what was in people's minds. Too often there have been times when the Senate has ignored rules.

Voting on the motion occurred by show of hands and **PASSED** with 11 Yes votes and 10 No votes with Chair VerLinden breaking a tie vote.

M/S (Cheyne/Faulk) to place the proposal/motion from Professor John Meyer on the floor of the Senate.

*"Appendix E, Article IX, Section 8. **Ratification** – Amendments to this Constitution shall be ratified by a majority vote of the General Faculty in residence."*

Proposal/Motion:

First, to affirm that Article IX Section 8 of Appendix E requires a majority vote in favor of ratification of amendments to Appendix E, in an election open to the entire membership (in residence) of the organization formally known as "The General Faculty of Humboldt State University."

AND

Second, to clarify that Article IX Section 8 of Appendix E does *not* require a majority of all the eligible members of The General Faculty of HSU to vote in favor of amendments in order for said amendments to be ratified.

Rationale:

- A) Appendix E, Article VI, Section 7 states unequivocally that "The interpretation of this Constitution shall rest with the Academic Senate," not with the General Faculty President or any other body. Thus it is incumbent upon the Senate to determine the correct interpretation of Section 8.
- B) *Past Election Practice:* Since 2004, according to documentation provided by Merry Phillips, there have been at least 4 elections to amend Appendix E. In every case, the amendments were adopted, yet in *no* case did a majority of eligible members of the General Faculty vote in favor of the amendment.
- C) In the 2004 election to amend Appendix E (and perhaps in other elections), the election rules themselves were a special subject of scrutiny and change, yet there is no evidence that a reading other than the first (above) of Article IX Section 8 was ever entertained by the officers of the General Faculty or the Academic Senate, nor was any other reading utilized in the election.
- D) In consultation with several faculty members of the Department of Politics, none could identify a single example of any association, government, or other decision-making body that required a vote by a majority of all members of the body, a requirement which would often have perverse effects. These faculty members noted, of course, that quorum requirements are common, as are diverse decision-rules requiring a plurality, majority, or super-majority of those participating in an election to vote in favor.

Rationales B-D strongly suggests that the first reading of Article IX Section 8 is correct.

- E) Section 8 states that amendments "shall be ratified by a majority vote of the General Faculty in residence." The proper name "the General Faculty" here must be read consistently with Article I Section 1 of the same document, which states "The name of this *organization* shall be the General Faculty of Humboldt State University, hereinafter referred to as the General Faculty" (emphasis added). Here, and consistently throughout Appendix E, this proper name refers to a singular organizational body; the requirement of Section 8 is *not* equivalent to a vote of "the

majority of faculty in residence” as the GF President asserts (memorandum of May 9).

Rationale E is decisive in affirming the first reading of Article IX Section 8.

The floor was given to Professor Meyer:

Considering precedence in constitutional interpretation is a long-standing tradition. It is not a fallacy of authority unless it is determined that past practice must prevail. When looking at past practice/precedent to interpret Article IX, Section 8, it's plausible to say that those monitoring past elections didn't pay attention. However, a revision of the Constitution in 2004, which resulted in many corrections and changes, focused specifically on the minutiae of how elections were run. At that time, when the closest possible attention was being paid to elections, an election was held based on the premise that a majority vote was a simple majority (see first paragraph). Perhaps the confusion lies in the phrase “a majority vote of the General Faculty in residence.” Logically and philosophically, this particular interpretation is not consistent with a clear understanding of the General Faculty itself – it is an organizational body that has a majority vote. The Senate was urged to apply this interpretation.

Discussion:

The motion is supported; it is clear what it means.

This vote is different than past votes; it is not a matter of only amending the Constitution. Everyone knew what it meant when they voted, there was no ambiguity.

If the previous statement is true, then the interpretation of rules for this election is nothing more than the personal judgment of the General Faculty President.

The interpretation was a result of email discussion among members of the Nominating and Elections Committee. The Committee felt that it was reasonable to expect something of this importance to require ratification by a majority of the number of eligible voters.

This is a constitutional issue and there has been no direct interpretation of this clause by the Senate, so there is no precedence. This is the only place where it is written like this and it is clear. The interpretation was understood by those who were voting.

There should be a high bar for making constitutional amendments. For clarity, this should be interpreted in a way that makes sense. This is a reasonable clarification.

Not all voters understood the interpretation before the election; some were shocked to find out what it meant.

If the Senate passes this motion, it becomes the Nominating and Elections Committee's duty to void the election and have another election.

M/S (Faulk/Cheyne) to end the debate and vote immediately. Motion **PASSED** with 1 Abstention.

Voting occurred on the Motion on the floor via voice vote and **PASSED**.

Since the ballot item "Extension of terms for current Academic Senate officers and senators" is part of the election that will be voided, no determination has been made regarding membership of the Senate for Fall 2011.

M/S/P: (Cheyne/Thobaben) that the current Senate Officers remain in place until things are worked out.

It was stated that the consequence of doing the election (on the University Senate, etc.) over will probably result in a lower turnout. Why does the election need to be re-run?

The meeting adjourned at 6:54 pm.