

Executive Committee Minutes
October 18, 2021
via Zoom, 12:00 to 1:30 p.m.

Present: McKee (Chair), Curry, Hart, Kaur, Massey, Day, Faas,
Del Casino, Sasikumar, White, Mathur, Schultz-Krohn, Wong(Lau)
Absent: Papazian, Sullivan-Green

1. The Executive Committee discussed the Campus Fee Advisory Committee. Chair McKee recommended that the faculty member that serves in addition to the Chair of the Senate be the Vice Chair of the Senate. The motion was seconded. The committee voted and the Vice Chair was selected for the Campus Fee Advisory Committee (13-0-0).
2. The Executive Committee approved the Consent Agenda of October 18, 2021 [Executive Committee Agenda of October 18, 2021.]
3. AS President Kaur expressed concern that her update had been omitted from the day's agenda. Chair McKee apologized and announced that she would be first in the updates today.
4. SJSU's Relationship with Native American Communities:
The committee discussed the controversy over the handling of the Native American remains and what was being done to repair SJSU's relationship with indigenous tribes such as the Muwekma Ohlone.

A question was asked as to whether there are any staff at SJSU dedicated to relationships with our local indigenous tribes? The Provost announced that he would be the person acting in that capacity for SJSU. [Provost] After AB 275 was passed, SJSU moved faster than any other campus in the system. We hired a tribal liaison, her name is Alisha Ragland and she started at SJSU on August 18, 2021. She is in the Anthropology Department. We have been following all the protocols. They have done a lot of consultations already. In addition, Ryan Ward who is a member of the Cowlitz Indian Tribe, is working on a mural with the Muwekma Ohlone Tribe. There is a lot more to be done both with the local indigenous community and the wider community at large. One of the first things we did when I came on board was to rethink the institutional research dashboard so that we started to count differently. We have made some big steps, but more needs to be done. The president also recently issued a presidential directive limiting access. I've also had some conversations around Native American courses, etc. on campus. These are some of the things that are happening so far.

Questions:

C: There has been some talk about having more faculty-led initiatives on campus. I know that the Gathering of Academic Indigenous and Native Americans (GAIN) has talked about submitting a referral to the Academic Senate about developing policies

around research and use of remains and being more faculty-led as opposed to forcing the president to make a presidential directive. I do think if GAIN submits a referral we should support them in terms of developing policy.

C: From the inception of the Africana, Asian American, Chicano and Native American Studies Center (AAACNA) at the MLK Library there has been a commitment and willingness to engage with not only the Muwekma Ohlone folks, but also with all students. When the public library was going to get rid of some very nice photographs that were taken at the Stanford pow-wow, Kathy Blackmer-Reyes immediately accepted these photos and has featured them in exhibits along with other items. The co-chair of the Muwekma tribe has been very involved with Kathy and with the AAACNA Board. Several years ago, the AAACNA took steps to ensure that there would be items available for students even though there weren't courses yet or any funding. The AAACNA is also a part of the student success centers but doesn't get included in the funding for student success centers like many others on campus, because it isn't faculty, student, and staff led. It is administratively led. Mandates are one thing, but hearts and action are another. The AAACNA Center is the heart. I see it in the community membership.

A: [Provost] I agree. I would love it if these kind of things came from elsewhere and didn't require a presidential directive. There is a big gap around policy and how to manage this on the campus. Unfortunately, this was left in the hands of one department at SJSU and that was a mistake, but here we are. I would love to see strategy emerge from all the different places we have been discussing. At the same time, there is a lot of tension around who should be saying what and how we talk to each other as well as institutional values. There are great things that go on everyday but we haven't had a strategy. It is a complicated issue that needs attention and intent. Also, you can't write a policy about remains without being an expert in AB 275. These experts are in our faculty. You can't put a random committee together to do this. There must be a partnership to think broadly and strategically about this.

C: What about all the folks that spoke out in support of this person? Students feel like there has been a laser focus on this one individual. There is a larger culture in that department that is being ignored. Students feel this professor has not faced any consequences, and they are being ignored.

A: [Provost] Yes, we do need to send clearer messaging to students. However, I just want to be clear this is not systemic in the Anthropology Department. The faculty that jumped onboard in support are not from the Anthropology Department. If you look at the larger debate, the Anthropology Department has a clear statement on the Native American Graves Protection and Repatriation Act (NAGPRA) an alliance in which all the tenured and tenure-track faculty voted for. There is a disciplinary conflation that we have to be careful of. Some people feel the entire Anthropology Department should be disciplined. The other conflation is with speech and Academic Freedom that we have to be careful of. Personnel issues can't be discussed.

C: [CDO] GAIN at SJSU is comprised of Native American faculty, staff, and students. What is difficult for GAIN is collaborating with the campus because it is pretty widespread. There are faculty, and staff that identify as being Native American that don't go to GAIN meetings for various reasons, and there are students we can't reach out to because there is insufficient data available. At the same time, we are trying to build a Student Success Center to look at climate issues for faculty and staff on campus. I just want to make sure we are taking a systemic approach and I think those are conversations we have been having at the administration level as well as with GAIN, Ryan Ward, and others. Thinking systemically for Native and Indigenous people is very different than for other groups because of their history of sovereignty. There is a different expectation when these folks come on campus in terms of having a place to interact on some of these issues. We are seeing that right now in terms of different tribes contacting us and different commissions, etc. I think it is important to remember that we do have someone hired into a position for tribal relations. That is a very important institutional step because these issues are very complicated in terms of federal, state, and campus initiatives. There are some good models for Native American student success centers. Certainly Humboldt is one.

Q: I would second what was said earlier about developing a policy around research. I don't know all the details, but it appears to me if a presidential directive is issued we appear to have been in violation of something. Have we been in violation of NAGPRA or AB 275?

A: [Provost] I can't comment on any legal issues. There is no research or teaching any more on the collections, so we don't need a policy. Under AB 275 the artifacts are supposed to be repatriated unless the tribes say they want to continue research and teaching with the artifacts. The goal for SJSU when we hired the tribal liaison was to repatriate the entire collection. In three years we shouldn't have any holdings. Remember, this only applies to California Native Americans. NAGPRA is federal and applies to federally recognized tribes. CALNAGPRA was an amendment. AB 275 said non-federally recognized tribes can make the same claims and must be consulted so that is where the Muwekma Ohlone tribe came into play here. The presidential directive ensures that only two people have access now and that is the NAGPRA Coordinator, the tribal liaison, and perhaps a graduate student trained by them to finish any cataloging that needs to be done by January so inventories can be sent out and then we can start. Consultations are already happening. I'm not sure what good a policy would do now. The key is the consultation process in AB 275. It is stronger than a recommendation. We've reported this to the Native American Heritage Commission. We are probably going to be in front of them in November to talk about these issues. If you want to write a policy about human remains, we have other human remains on our campus. We have a Forensics Department and archeological collections. If you want to bring a group of experts together to talk about that kind of thing, that is a larger issue. However, the issues around the California tribes are pretty well prescribed by AB 275 about what we are supposed to do. I really want us to do this right and well. This really matters to me. These are all the right questions.

C: [CDO] Should this body decide to take on policy issues there is an issue of trust from Native American faculty so I would not rush into anything without a lot of consultation. Also, it is critical to remember that most of the faculty on our campus are not from local tribes. They want to protect and represent, but they do not want to be the spokespersons for this region given that they are not from California or local tribes. They want to respect the local tribes and community.

C: I don't think the Senate should take on the issue of writing a policy, but if we get a referral from GAIN then we should take on the issue with deep, deep collaboration, not consultation, with all constituents and local tribes.

Q: I'm taking Advanced Human Anatomy and there is a strict no pictures policy. No one is allowed to take a picture without getting an "F" in the class. Is there something like this with Indigenous and Native American remains and is there an ethics committee that oversees this as a matter of procedure right now?

A: [Provost] If one looks at the syllabi of the classes that have done this work, you will probably find that language in it.

5. Update from the AS President:

Homecoming was a big success and Fire in the Fountain was a great event and we had great attendance.

We are searching for two positions right now. We are looking for a Community Garden Leader and for a Government Coordinator. If you know anyone that is interested please connect me with them. Lastly, we are recruiting for the Chief Elections Officer for our Student Elections Commission for 2022 elections.

Q: These are student positions, correct?

A: The Community Garden Leader and the Government Coordinator are both staff. The Elections Officer is a student position.

Q: Has the California State Student Association (CSSA) made any decisions about the key things they are going to endorse for this upcoming year? The reason I ask is that there was some discussion last week about AB 928 and how the ASCSU did not support it, but the students did and how there was a disconnect there. We need to have those kinds of discussions early between the faculty and students.

A: As far as I know there is no new legislation. The CSSA finished the legislation from last year and now they are beginning to focus on finding which bills they will support this year. The board of directors just completed our final policy agenda and that includes what the goals and issues are we want to focus on for the upcoming year. As soon as I get a copy of that I will let you know. You should know that I am on the AB 367 implementation group. We will be looking at how to implement free menstrual products in all public schools.

C: [CDO] Thank you for the stellar work during Homecoming. I got to see so many alumni reunite and get to see each other for the first time in a long time and there was real joy in that. I know there is a lot of work and logistics that went into this and all the tents were well staffed so I just wanted to comment on that and give kudos to all the AS Events team and the staff of Student Affairs.

6. Update from the CDO:

We are in the midst of approval of faculty searches in terms of position descriptions and diversity search plans as well as approving pools. We look at the applicant pool and see if the pool is reasonable given the data in terms of available doctorates. It is an okay measurement, but not a perfect measurement. It is the most accurate data we can get in terms of the number of people that graduate with doctorates and would be available in the job market in the last two years. Then we look to see if our pools are representative or not and whether the department carried out their search plans. We implemented a required diversity statement this year. Last year it was optional. Maggie Barrera worked on this and collaborated with my office. We suggested along with a research and teaching statement that people answer some key questions on diversity. This year we are also working to examine the semi-finalist and finalist lists to look at what the numbers are.

Questions:

Q: When we are talking about the diversity of the pool, a lot of it really depends on where you can advertise. We wanted to go to some of these outlets that would help us diversify, but we would have to pay for this out of pocket. It was \$400 to \$500 and that eats into your budget immediately. Has anyone that controls the common outlets or venues of advertisement looked at more diversity outlets and paying for them as a collective whole so we can access them and get a cheaper price overall?

A: It is a long answer. We subcontract with a company that sends search ads out to some common places. The problem with some of the most successful places to search, particularly for underrepresented minorities or women and STEM, is that they are very specific to departments and disciplines. There is a different one for Engineering and then a different one for Biology, etc. with the exception of the Society for the Advancement of Chicanos/Hispanics and Native Americans in Science (SACNAS). With SACNAS this year, I'm splitting the cost with Maggie Barrera's office and buying an ad and link in their annual conference proceedings. When we were in person, our office funded two faculty to staff a table and meet and greet people in the exhibition hall that was quite successful in landing graduate students, etc. There are a few that are cross-discipline. In the past, I always offered that if you had an ad you needed to pay for and it wasn't in your budget, my office would fund up to \$400 and the department would fund the rest. I think we only turned down one request ever, because the click rate was really low and the website didn't look like it was together. You are always welcome to come to us. It is really search-by-search, but contact us and we will help you.

Q: We are very excited and overwhelmed in Occupational Therapy when we get five people in a pool. We will be tapping your shoulder for help. In having all these virtual conferences, we have not had the opportunity to meet potential individuals.

We want to put out there that we are really interested, but networking has been very difficult. We could use any help you could give us as far as other avenues we could use. I will be reaching out.

A: Yes, please do so.

Q: Which department oversees the guards at the library in terms of inclusivity training? I've had a few complaints from students in the Sikh community?

A: [VPAF] All the security personnel on campus report to me. There is training that goes with all that. If there are specific concerns reach out to me and tell me what it is. The Sikh community is a great group of folks. [CDO] Yes, and VP Faas can reach out and work with my office as well.

Q: I will touch base after the meeting.

Q: We recently hired two new professors in my department. One faculty member is from Iran and one from Korea. Both of them are having difficulty finishing their paperwork, the green cards, and have voiced concerns to me as a senior faculty member about who they can talk to/ Hiring is just step one, but retention is when the hard work begins.

A: [CDO] We do have highly trained individuals on campus who are aware of all the changing paperwork requirements. You can certainly contact me and I will make sure they are contacted and there is follow-up.

Q: The very first Senate meeting I attended, I asked a question about whether we could have more differentiated data about more diverse candidates. In my personal experience (I am not a U.S. citizen), there is a definite perception that SJSU is not proactive in helping faculty get legal status. Relating to the question of retention, do we find that say over a 10-year period, people are leaving before going up for tenure because they or in some cases their families were not able to get legal status to work? I was looking at an ad from SJSU and I found a statement that could be offensive. It said that, "employment is contingent on proof of eligibility to work in the U.S." As a grad student would they see that as welcoming? What is usually meant by proof of eligibility to work? Is this a commonly understood phrase or could it be phrased better?

A: [CDO] I will bring that up to look at and examine whether we can provide a live link to go to our page. The only type of immigrant status information we've looked at in terms of differential treatment or outcomes, is looking at Temporary Protected Status (TPS) and undocumented status. We have not looked at whether people have an active Visa status or things like that. [Provost] We also have not done exit interviews for faculty.

[CDO] We are hoping to change that.

7. Update from the Vice President for Student Affairs (VPSA):

Homecoming was a real success. I'd like to give a shout out to the Office of Student Involvement. They did a remarkable job. I'm also proud of all our intercollegiate student athletes that competed all week while dealing with midterms, etc.

I really want to encourage you to pay attention to what is going on with things like AB 927. I've been in other states where this has happened and it isn't the end of the world. The reason you need an Enrollment Master Plan is things will not stay the same. We have the highest enrollment we've ever had. That will not stay the same. We have free Community College and they can offer Bachelor's degrees now. There will be other things that will happen along the way. I mentioned AB 1456 which was vetoed by the governor. It was termed the "CAL Grant Equity Framework." This will return in another form. All of these things are related when it comes to an Enrollment Master Plan. We are going to have to evolve and move forward. We really need to be mindful that things are moving and changing around us. I'm happy to talk about this offline with anyone. We need an Enrollment Master Plan that allows us to pivot and adjust as necessary.

Our vaccination numbers are excellent. We have 36,267 students that have been tested. There are 33,693 or 93% students that are vaccinated. As far as exemptions are concerned, we have 1.7% or 605 students with medical exemptions and 1.3% or 471 students with religious exemptions. Then we have 4.1% or 1,494 students not accessing campus. We are working on this. The number of students that are not reporting is less than 100 now. That is almost nothing statistically, but those are still students we must pay attention to. We are having hearings with those students right now. We are fortunate to live in a county that has a very high vaccination rate.

8. Update from the CSU Statewide Senator:

The news from the ASCSU included an announcement regarding the AVC and the Dean of Academic Programs. Also, there will be another meeting of the Board of Trustees (BOT) on October 25, 2021.

Following my report to the Senate at the last meeting, I received excellent feedback from the Lecturer Council. I'm very happy about that.

9. Update from the Vice President for Administration and Finance (VPAF):

There will be an open session in person on campus regarding the Campus Master Plan this Thursday around noon in the Student Union. This is our Master Plan and we want everyone involved.

We are continuing to make substantial progress on the Ahlquist Building. We are looking to go to the BOT for their awareness in January. This is gaining steam and momentum.

Questions:

Q: I noticed you were able to hire two new police officers. Can you tell me about the status of all those hiring positions and how that coordinates with what is coming out in Vice President Day's Community Safety and Policing Report?

A: [VP Faas] I have seen an early draft of the report, but I haven't seen the final report. However, we need police officers on this campus. The Chancellor has come

out and said that the CSU will have sworn police officers on our college campuses. It will be approachable policing and our officers will be approachable in non-confrontational settings. Also, we had a meeting today on the search for a new police chief. We met with the search firm and the chair of the committee. We are having a hard time getting quality applicants into the pool so we are going back out to try to get more applicants. The pool was really short on being representative of our campus. We want to make sure we are getting the right type of people in the pool.

A: [VP Day] We have some specific recommendations on training, education, and improvement in the report. One of the things we found was that we do not have the staffing that we need. The report also has some specific recommendations on how to create some differential responses to matters on the campus. I won't walk through all 46 recommendations today, but will share some with the Senate at another meeting.

10. Update from the Provost and Senior Vice President for Academic Affairs:

I was on vacation last week and was able to see my parents for the first time in two years. I have no other report. I'm happy to answer any questions.

Questions:

Q: I don't know if you are the right person to whom to provide this feedback regarding University Personnel (UP), but there seem to be a number of problems this year compared to previous semesters in terms of faculty getting paid (e.g., I taught summer school last summer and still have not gotten paid) as well as processing paperwork for Graduate Assistants and Student Assistants. People need to be paid and hired in a timely fashion. Is there somebody looking at all the processes in UP and doing some evaluation? I haven't received a survey to evaluate UP in about 8 to 10 years and we get them for all other departments routinely.

A: Have you reached out directly to Joanne Wright in UP?

Q: I have not. I followed the rules that we are not supposed to reach out to Joanne directly, but are supposed to go through our department admin. There is this complication with summer for example, because it is taught through the College of Professional and Global Education (CPGE). Most summer classes are CPGE.

A: [Provost] If the Executive Committee wants to have a larger conversation you should invite Joanne Wright and Lisa Millora to an Executive Committee meeting and ask them these questions. I think that is the best approach.

C: Chair McKee will reach out to Lisa Millora and Joanne Wright.

C: This has been happening to one of my graduate students for two semesters now. He's been getting emails that say we don't know what to do because you aren't in the system. This is a huge problem. I know our department admins are entering the paperwork, but when it leaves the department there is no follow-up or control once it gets to UP to ensure it is being processed in a timely manner. This is a big problem for students that live on a budget because they aren't getting paid. Either people are

understaffed in UP or something bigger is going on. I agree we need to invite Lisa and Joanne to the Executive Committee to find out.

C: This was also an issue for the Senate Office when we hired a student assistant. The Senate Administrator was told that there was at least a two-week backlog in getting students entered into Peoplesoft. Our student assistant was unable to enter any of her hours worked because she wasn't in the system. When the Senate Administrator asked her personnel clerk what the issue was, she was told that there were issues with working partly in the office and partly from home.

11. Update from the Organization and Government Committee (O&G):

We are making progress on the Sabbatical referral and are finished collecting data.

We will be splitting into three subcommittees today to work on three new referrals.

12. Update from the Professional Standards Committee (PS):

We are still working on the RTP Amendments on RSCA and educational equity. We are also reviewing RTP Guidelines and looking at the process for approval at the various levels.

13. Update from the Curriculum and Research Committee (C&R):

C&R is continuing work on the GE Guidelines today and reviewing feedback from the last Senate meeting on Amendment A to University Policy S15-8. We will also be reviewing the discontinuance of a BA degree.

14. There will be a memorial for Pat Backer in Engr. 285/287 tomorrow, October 19, 2021 from 11:30 a.m. to 1 p.m.

15. The meeting adjourned at 1:27 p.m.

These minutes were taken by the Senate Administrator, Eva Joice, on October 18, 2021 and transcribed on November 1, 2021. The minutes were reviewed and edited by Chair McKee on November 12, 2021. The minutes were approved by the Executive Committee on November 15, 2021.