Executive Committee Meeting Minutes
Monday, May 11, 2020

In Attendance: Dinesh Pinisetty (Chair), Keir Moorhead (Vice Chair), Sarah Senk (Secretary), Steve Browne, Matt Fairbanks, Christine Isakson, Elizabeth McNie, Cynthia Trevisan, Wil Tsai, Frank Yip

I.   COVID Planning: Phase II
   -    Pinisetty notes another faculty member is needed for planning committee on "Instructional Technology and Faculty Development." Current committee is Michele van Hoeck, Nipoli Kamdar, Sam Pearson, Khaoi Mady, Amy Parsons.
   -    Trevisan reports she has been investigating options for potentially running online labs, looking at physics right now. At some point depending on how things go, it would be good to provide info to Michele. Trevisan says she was going to report back to Kevin, idea is to use some of the federal money coming to the school. Have school purchase lab kits that students can check out of library and do at home.
   -    Pinisetty reports that a new "Health and Safety Task Force" has been assembled, different from the original Health and Safety Planning group that presented on April 21. Group lacks formal name; Exec suggests calling the new one "Son of COVID" Task Force for now. "Son of COVID" includes Graham Benton, Bruce Wilbur, Donny Gordon, Steve Runyon, and Elizabeth McNie.
   -    Senk asks how reporting structure works. Pinisetty assumes Health and Safety Task Force reports to long range planning. Committee discusses confusion due to mixed messages.
   -    Pinisetty introduces LRPG Steering Committee Membership. Senk asks why so many people? What do they do? Chair reports Facilities and Enterprise Services are there to represent facility, Wendy is in to coordinate cruise internships, Sam Pecota involved as STCW coordinator and now we're talking about two-week dockside, Eric is coordinating housing efforts, etc.
   -    Senk emphasizes need to make these justifications clear to preserve a record of the process *and* to inform general population. Special Advisors? What do they do? We should think about audience of faculty, students, those not directly involved in this process and so far feel that they have had little say in the process.
   -    Pinisetty reports that President made clear nothing should be forwarded to Cabinet without approval of Triad and Faculty Senate from now on to make sure that students and faculty do have a say in the process.
   -    Senk asks if there is a process for approval? Memos? Resolutions?

II.   IBL Department Chair Appointment
   -    Committee discusses President's decision to appoint Dean Don Maier as Chair of IBL department rather than a faculty member. Asks if CFA has reviewed.
   -    Isakson asks how RTP process will work if the Chair is the Dean.
   -    Fairbanks reports that CFA has drafted a letter asking the administration to confirm faculty rights are protected. Faculty have expressed concerns about IBL faculty effectively eliminating a step of the RTP review process.
   -    Pinisetty asks if CFA has considered precedent. Is there precedent?

- Fairbanks reports that impression is that it is very rare, it's being elevated through CFA channels to see what happens and how it's handled at other campuses, if it happens at all.
- Pinisetty reports that he reached out to 22 other Senate Chairs to ask if they have experienced something similar and if it's in violation of CBA. So far 8 campuses have responded. East Bay Senate Chair reports that it's not common but it's not unprecedented. San Jose chair reports this has happened, usually at faculty or dean's request, usually within a contentious department who can't/won't elect a chair, mostly done to protect untenured faculty in those departments. SF State Chair reports that an Associate Dean has served as acting chair of a dysfunctional department. CPP notes no precedent, CSU LA notes that associate deans have served. Fullerton Chair says currently an associate dean is serving as Interim Chair. It's not unprecedented to have associate deans and deans serve as interim chair.
- McNie reports that one of the issues is that this is not a dysfunctional department. It took a vote and that vote was 6-1 to elect an eligible tenured faculty member. Faculty members have informally reported concerns that this violates shared governance.
- Committee members are concerned that appointment of Dean as Chair means department may not have a seat at the shared governance table: resources normally allocated to the department (eg. WTUs, extra pay) will now go to Dean; there will be no direct representation at the table during the Dean and Chair's meeting, which could slowly chip away at faculty governance. Committee discusses how decision has been received by faculty since the email: several have approached us to express concern about appearance of removal of resources given context of the faculty-authored report regarding administrative spending and continued complaints about shared governance.
- Moorhead asks if it would be different if President didn't feel that candidates were adequate and had installed another Faculty member instead of Dean.
- Committee discusses: Assumption when you read the policy is that it's a faculty member. Their interpretation appears to be that it's anybody. But based on past practices, it's a faculty member. If we are in the position to ask for explanation and get them to reconsider, we should.
- Senk notes that the other issue to convey is that optics are bad: The person who won the election almost unanimously co-authored a widely read report, publicly embarrassed a member of cabinet at a presentation in February – recorded on YouTube. There may be very justifiable reasons that we're not privy to, but in the absence of any justification/explanation, people are jumping to conclusions. [Reads emails/texts from other faculty members as examples.]
- Yip: Dinesh's point is that they *will* come up with justification, but it's necessary because there's a vacuum now and what's filling the vacuum is "this is retaliatory." Yip is more in favor of Christine's argument: the most important issue is that the department chair connects directly to faculty, and there's a removal of layer of RTP that needs to be addressed.
- Doesn't violate the CBA but question we should be raising is "is it wise to do this?"
- Pinisetty suggests we should articulate our argument from probationary faculty point of view. The Dept Chair policy is very weak, doesn't ask president to explain. We should do something with that policy to strengthen it.

- Isaakson refers to Gary Reichard's comments at an Executive Committee Meeting in January, when he noted that the only circumstance that would lead to Admin overturning a decision was a split-vote.
- Pinisetty notes very important that Department Chairs should work closely with Dean. Dean is the one who has to approve decisions department makes. Unclear whether Don Maier had any role in this decision or was consulted. Gary Reichard made it clear that Dean has a much more prominent role at other campuses, and that if a Dean doesn't approve a department's recommendation, he has to give an explanation, and if he disagrees it goes back to the department to nominate someone else. If they don't come up with another nominee, then Admin can appoint someone. But we should ask at least the Provost or President to explain the decision because that is consistent with other department chair policies.
- Committee members discuss units of reassigned time given to department chair. If effectively 40% of your time is dedicated to being a department chair, how can someone who has a full-time chair as Dean suddenly take on the workload of a department chair? There are issues about pay, too. That's not for us to get into, but we can raise questions about time, like whether the Dean will be capable of spending one-on-one time with students. (Trevisan adds that it's way more than 40% of time in practice.)
- Pinisetty notes that in our new policy we should also address the workload. MT/ME deal with accreditation, STCW, cruise-coordination, everything is done by the department chair. That workload aspect will be an aspect we have to deal with in the policy.
- Browne points out that if a faculty member is not a Chair, it could also mean that a lecturer will be cut by 6 WTU that would have been assigned to a faculty member. Browne notes that's not an argument we should put forth, but it's the likely unintended consequence of doing this.
- Browne notes that according to CBA 1.5 "The parties agree that all department chairs and department heads shall be included in the bargaining unit." McNie asks how we get around that? The Dean will become, essentially, a union member, by taking on the appointment. This is one of the points the CFA is requesting information about. How will that work?
- Pinisetty notes that retreat rights may also need clarifying. It's a different evaluation process.
- Committee discusses how to contextualize Nipoli Kamdar's letter to the President, to explain the need for a justification to mitigate concerns about shared governance.
- Yip: Well, we're writing our own letter because we would like a justification, too. Our position is not that their vote be sustained but that faculty rights be preserved and someone from faculty be appointed chair *if* there is a compelling reason to disqualify the original candidates.
- Dinesh: Our letter should repeat the points Christine and Bets made. That's our foundation from a Senate point of view. Purview of senate to inquire about process and to advocate for shared governance.
- Yip: We have to have clear in mind what our letter will ask for: a justification of how this situation was made. In the absence of information people are speculating, rumors running rampant. They may have very compelling reasons, but that needs to be reasons must be shared *at least* with the department at the very least because it's a bold move to appoint a Dean, bold move to take this stand without an explanation. We're also asking

that even if they vote against the judgement of the department there needs to be alternative means by which faculty rights are preserved if Department Chair is a Dean. Department chair should be as close to department as possible.

- Senk notes this is a good summary and could form basis of letter to the President. Adds that in addition to providing a justification, we would also like them to provide a plan for how faculty rights will be preserved, how RTP will work, etc.
- Browne: could also quote from Gary Reichard's letter, he recommended this process we're asking for. We paid money to take that recommendation and the first opportunity we get we're ignoring it?
- McNie asks who is going to write the letter? McNie and Senk volunteer. Dinesh suggests meeting again Thursday afternoon to look at it and get Provost's feedback.
- Yip asks when do dept chairs become effective?
- Dinesh says July 1. Notes that Nipoli resigned so her resignation will be effective June 30, but our department chair policy is weird: It normally begins on January 1.
- Yip notes that this policy is older than any of us.
- Browne: reason they did it that way originally is so there would be overlap in fall so outgoing chair could observe/mentor incoming one.
- Senk notes this is why we need to write things down. To preserve institutional knowledge.
- Dinesh: we should go with what other campuses do. We should not reinvent the wheel. If they have a proper structure/policy in place, we should mimic that.
- McNie: encourages Isakson to tell IBL department to log activities that typically fall to dept chair. Committee agrees this has to be discussed more because if Dean serves as a Department Chair than some of those informal Chair duties (eg. informally meeting with IBL students, etc.) will be distributed – insidious things, faculty will have to do the day to day things the chair does – and won't be compensated. We need a clear plan in place to make sure workload is equitable.

Meeting adjourned.