



CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS

Academic Senate 1000 E. Victoria Carson, CA 90747 WH-A420 (310) 243-3312

## **Academic Senate Emergency Meeting**

### **Minutes**

**August 25, 2021**

**2:30 PM – 4:10 PM**

**Voting Members Present:** Allen, Andrade, Best, Brandt, Buffaloe, Chaparro, Chhetri, Chiappe, Choi, Daily, Deng, Fortner, Gomez, Gray-Shellberg, Hallenbrook, Hernandez, Hill, Jarrett, Johnson, Jones, Kalayjian, Katzenstein, Kitching, Kuwabara, Ma, Marositz, McCurn, Mendoza-Diaz, Nicol, Pederson, Price, Raianu, Roback, Sharp, Spruill, Stacy, Stang, Tang, Taylor, Teran-Lopez Turner, Valdez-Dadia, Vieira

**Voting Members Not Present:** Kulikov, Morris, Sexton, Vinovich

**Voting Ex-Officio Members Present:** Anderson, Ares, Celly, Crogman, Gammage, Malladi, Sanford, Talamante

**Voting Ex-Officio Members Not Present:** Norman, Parham

**Standing Committee Chairs:** Boroon, Heinze-Balcazar, Macias, Mancillas, Naynaha-Gill

**Standing Committee Chairs Not Present:**

**Non Voting Ex Officio Members Present:** Brasley, Caron, Costino, Kim, Koos, LaPolt, O'Donnell, Ortega, Pandya, Roberson, Schrager

**Non Voting Ex Officio Members Not Present:** Barrett, Franklin, Manriquez, McNutt, Olschwang, Spagna, Stacy, Wallace, Wen

**Guests:** A. Adora, K. Amir, T. Asatoorian, M. Avila, G. Bach, C. Baugh, A. Bentley, G. Bono, K. Breiner, C. Brentano, S. Britto, N. Brown, A. Castañeda, K. Choi, S. Choi, K. Chu, C. Clark, J. Davis, Dressl, Faith, S. Gonsalves, M. Grandone, L. Grayson, B. Gregor, L. Harris-Henderson, K. Hiatt, N. Hirohama, S. Hooshmand, C. Johnson, A. Joshi, A. Kasarda, C. Khan, L. Kimaara, S. Lanaghan, T. Lara, M. Laurent, H. Lee, M. Lou Cappel, R. Malamud, R. Martinez, L. McKibbin, S. Milton, A. Mohammed, O. Navejas, S. Norman, C. Oh-Young, P. Ozaki, K. Paxton, S. Peindar, J. Pham, K. Pinto, A. Provencio, C. Rios, O. Rodriguez, R. Rubio, P. Saurez, R. Shakoor, V. Sheyla, A. Stewart, F. Tabae, A. Thomas, C. Thomas, C. Tinoco, S. Valdez, W. Vermeer, H. Weary, T. Withorn, C. Yarnall

2021-2022 Academic Senate Executive Committee: Academic Senate Chair, Kirti Sawney Celly; Vice Chair, Rita Anderson; Parliamentarian, Justin Gammage; Secretary, Rama Malladi; EPC Chair, Horace Crogman; FPC Chair, Terri Ares; NTT Representative, Adam Sanford; Statewide Senators, Laura Talamante and Thomas Norman, Previous Senate Chair, Laura Talamante

Recorded and Edited by SEW and the Executive Committee

Chair Celly opened the emergency meeting of the Academic Senate to read, discuss and vote on EXEC 21-18, meeting.

Land Acknowledgement Statement of the Tongva people was read by Chair Celly, Vice Chair Anderson and Parliamentarian Gammage

Chair Celly explained that this meeting is traditionally reserved for the Senate Retreat, but they've set aside the first half the meeting time to address \*W Exec 21-18.

Quorum was reached and the meeting ensued.

**\*W EXEC 21-18, Commitment to Flexibility for Faculty Returning to Face-to-Face Teaching in Response to the Aggravated Pandemic Conditions in Los Angeles and Surrounding Counties: Sense of the Senate, Senate Chair K. Celly**

**Celly** said that the resolution had previously been distributed from which they received input which was incorporated into the version that would be shared at the meeting. She said the purpose of the meeting was to take \*W EXEC 21-18 voted unanimously by Senate Exec to support faculty privilege for the month of September, rest of August and September, while there is continued uncertainty and risk associated with the Delta variant. Celly stated that it was a Sense of Senate resolution.

**Senator Talamante** offered a point of information. Talamante said she wished to clarify that although Celly spoke about the first five weeks of the semester, that this resolution isn't date bound. It includes things that may come up during the semester, because conditions for people can change very quickly on the ground. **Celly** responded yes, she agreed and said she I misstated that. Celly explained that it was grounded in a resolution that originally came from CSU Stanislaus. She said the Stanislaus faculty had asked the administration to postpone the start of all face-to-face classes till October 4, the first Monday after the mandated vaccination date, at the earliest. She further explained that they actually had an earliest change date in theirs. Celly noted that they had, as the President said in his communication with us, some different conditions than we have at Dominguez Hills.

**Chair Celly, Vice Chair Anderson and Parliamentarian Gammage** read aloud the resolution.

The Parliamentarian asked for a motion to discuss the resolution as a W\* resolution [first reading waived]. The motion was made and seconded. Parliamentarian Gammage conducted a vote of the senate body.

**Gammage announced**, motion passes 37 in favor, 8 against and 6 abstentions.

**Senator Buffaloe** asked if on line 54 where it says return to face to face teaching environments if “in person services and face to face teaching environments”, can be added. She also requested that on line 89 add “or in person services”.

**Senator Sanford** offered a friendly amendments on line 65 add “are vaccinated against COVID-19”.

**Senator Talamante** offered a point of order stating that each recommended change does need to be addressed separately before moving on to the next one.

**Chair Celly** asked Parliamentarian Gammage what the process was for extending the meeting. **Gammage** said there would need to be a motion to extend discussion and the specific amount of time that we're requesting extended to. **Celly** asked if there was such a motion? **Sanford** made the motion which was seconded.

**Chair Celly** then directed the meeting back to the motions, beginning with Senator Buffaloe. She noted that Senator Buffaloe was speaking for the librarian and counseling faculty whose primary job is to provide services that are non-instructional.

**Senator Gray Shellberg** made a suggestion for the added “in person services” and noted there was a word missing. On line 54, add the word “to” before in person services and on line 89 add the word “to” before in person services.

**Gray Shellberg** made a motion that they approve her additions to Senator Buffaloe’s suggested amendments. Senator Sanford seconded. A call to vote on approval or rejection of the friendly amendments was made. The amendments passed with 36 in favor, 3 against and 3 abstentions.

**Senator Johnson** asked to add on line 22 where it says without the need for approval of, add “but with notification to”, just in case we've got faculty who are too ill to properly notify the class as a whole or if the students misunderstand, it's best that somewhere else in the faculty can track this. The body voted on Johnson’s friendly amendments. Gammage noted that this amendment passed with 37 in favor, 4 against and 2 abstentions.

**Senator Sanford** asked that a friendly amendment on line 81, would be to add insert “and are” before contraindicated. A vote was put before the body to approve of Senator Sandford’s earlier friendly amendment on line 65. **Gammage** said the amendment passed 40 in favor, 9 against, 0 abstentions. The additional friendly amendment on line 81 was also put before the body to approve. Amendment passed with 35 in favor, 4 against and 4 abstentions.

**Senator Katzenstein** offered said if he understood this correctly, any faculty member who is actively teaching a class can decide that he needs accommodation and move the class from face to face to online modality. He said that’s the way he reads it and if that's the case, he asked “do we really think that would fly?” Katzenstein said that while he likes the idea, he wonders how practical it is.

**Senator Nicol** responded that in the first resolve, it says with demonstrated personal or family health reason. She said she thinks that pretty much solves the question as to whether this is necessary. She added if you can demonstrate that you have personal or family health reasons, then what the resolution is asking is for the University to have some consideration and flexibility.

**Senator Talamante** noted that the second resolve addressed that, should their students or a faculty member become ill with COVID, there be a notifying procedure. She added that it wouldn't be just a random “I'm worried therefore going to now move my class online as well.”

**Professor Malamud** said he has written and tried to find out who he needed to contact regarding this issue last spring, given the multiple issues he has. He asked if whether we need to say who these comments need to go to. Malamud asked if would he under this Sense of the Senate put in why he wants to not teach on campus and then he would be subject to their discretion about which items qualify me not to teach on campus? Or, he asked, is it simply that he could say, he’s got problems, and he shouldn't have to teach on campus without going into all of his medical issues. He said what he would like to know is what the process is.

**Professor Prakash Dheeriya** said that no one knows how serious the next variant of the virus is going to be. He said assuming that they have a more serious variant, which is more deadly than the Delta one, he asked if we're going to have similar resolutions for future semesters? Or should we just have one resolution for all future semesters where faculty are given the privilege of determining whether they can go face to face. He asked the body what should be done with the variants which are more serious in the future? **Celly** responded that this is a matter they've been speaking about in EXEC and a matter before all in higher education and in other work spheres. Celly offered questions for consideration such as how do we prepare; are we constantly going to be chasing this emergency; are we going to prepare strategically for future emergencies? She noted that this resolution is focused on this pandemic but we might move our work forward with this or beyond this, to look more strategically at emergency management and faculty voice and discretion during times of emergency as it relates to the curriculum.

**Senator Katzenstein** said he could see from a practical perspective, how the resolution would work. He asked does he call his Dean and say, I had a heart attack 10 years ago, and I don't feel comfortable teaching on campus, so I'm going to go on online. And he's not going to say no, you're not. Katzenstein said he has a basic problem with how this would actually work.

**Senator Nicol** said she wanted to be sure staff are covered in the resolution. She noted it says services, but it doesn't explicitly say that the staff would have the same type of non-penalty. **Celly** asked if Nicol was making a motion. **Nicol** said yes, on line 32, "There would be no penalties accrued to faculty and staff." **Celly** suggested that if we are to include that amendment at line 32, she would like to also make a related amendment at line 18, "that faculty assigned to teach face to face sections or to deliver in person face to face services (such as those provided by counselors and librarians) **and staff** in Fall 2021.

**Parliamentarian Gammage** said for time's sake, he would like to offer a motion that they add in all amendments and then vote on the document as a whole as opposed to voting on each amendment. He added that they would put each amendment to discussion if need be, at the end and then vote on the document. The motion was seconded. It was put to a vote, 32 in favor, 8 in opposition and 2 abstentions.

**Senator Pederson** said she is in favor of the resolution, but she takes issue with the rationale. She believes it to be largely manipulating and misleading and in some places, stated in a way that does not actually match what is happening. She added that she doesn't understand why the rationale is written that way, but does feel like the rationale has some serious issues beyond what would be accounted for in friendly amendments. **Chair Celly** responded that those concerns can be addressed both in how she votes and by way of sending her feedback on the rationale so that they make sure they include the relevant rationale or replace. **Pederson** responded that given it's a W star, there is no other chance. **Celly** responded that she believed the rationale itself can be modified subsequent to the resolution. **Past Senate Chair Talamante** noted that was not her understanding and what folks vote on includes the rationale.

**Senator Malladi** commented about the amendments on line 18, in line 32, to include staff. He said he is certainly for it, but was not sure that we have the authority to include the staff in the Academic Senate resolutions nor speak for staff.

**Staff Senator Marositz** said that his concern was along the lines with Senator Pederson. He said he wasn't sure what effect this resolution will have, since it's narrower than something like the ADA would prescribe in this

situation. He said, “By prescribing potential accommodations, it short circuits the interactive process that the instructor would have with human resources and so forth.”

**Senator Hill** said with respect to the comment about adding staff, he said it is a resolution which proposes policy and it is up to the administration that receives it should it pass to decide how it can be put into policy. Hill continued that Senate is the main policy recommending body for campus not just for faculty so he believed that we have the authority to put that in there. How its interpreted or enacted in any policy that comes forward is a separate issue. Hill added that he also wanted to agree with Senator Pederson. Hill said he finds some issues with the rationale, mostly in its specificity to the current situation when talking about a changing situation, but he does support the general resolution itself.

**Talamante** noted that in response to Senator Hill's comments, he is correct, we can recommend policy but it was decided to bring it forward from Exec as a sense of the senate because there are existing rules for ADA compliance and such. But that these were issues that had come to our attention that were not being addressed to provide these kinds of accommodations consistently across the campus. She said it is in that sense, in a Sense of the Senate to ask the that these issues be addressed as part of that kind of compliance. Celly said, yes, the EEOC and ADA compliance elements show up in the rationale, but not in the resolves.

**Senator Miguel A Teran Lopez** said he wished to preface his comments by noting that that he is a first-time senator participating in the shared governance process and his first-time being part of the Academic Senate. He introduced himself as the staff representative for Academic Affairs and is in the process of learning the rules and procedures. He noted when he read the resolution his initial reaction was that there was not enough mention of staff in the language. He said however, the resolution seems more focused on instruction and curriculum, which relates to faculty. He said certainly as a staff member, he is in favor of including staff, to protect the health and wellbeing of staff members and their family, but he wasn't sure if it would be too convoluted to try to include staff in the same resolution. He offered that perhaps it made more sense to create a separate resolution specifically for staff as opposed to trying to include both staff and faculty in the same resolution.

**Parliamentarian Gammage** offered a friendly amendment to edit the title and add “Academic” in front Senate, so that it reads Sense of the Academic Senate. Motion was seconded.

**Senator Vieira** noted there was a motion on the floor regarding the time of this meeting which wasn't voted on, nor was there a time specified.

**Senator Celly** agreed. Celly made a formal motion to extend the meeting to 4:05pm which was seconded. Motion passed with 30 in favor, 3 against and 3 abstentions.

**Senator Sanford** asked the Parliamentarian to remind folks that only voting senators are allowed to vote on this. **Gammage** said reiterated that during elections, only voting members voting senators actions you put forth a vote. **Standing Committee Chair Naynaha** asked for confirmation that standing committee chairs are also eligible to vote. Gammage said that if they are standing committee chairs, yes – they can vote. Senator Turner asked the Parliamentarian to repeat the operational definition of who a voting senator is. Gammage stated that senators are representative of their academic unit, who have been elected by their academic unit to serve as senate representatives also chaired the Standing Committee for the Academic Senate as well as those who are

executive committee members. He added that also includes ex officio voting members such as the President and ASI representative.

**Senator Kuwabara** said if we are going to add a staff throughout the resolution she said she believes then the resolution title also needs to include something about staff. Celly and Gammage asked if there was a motion. Kuwabara said she doesn't know what the wording would need to be because they're not going to be doing face to face teaching, but they will be providing service and there are also faculty who are providing service. Celly suggested that it read, "faculty and staff providing face to face services." The motion was made and seconded. Celly suggested that she would like to remove her earlier amendment that added staff on line 19 because at that location, they're speaking just about instruction and staff is included in the overall motion.

**Senator Vieira** said that in AA2017-17 on course modality that 1/3 of face-to-face meetings to be met online. He said it was a comment that faculty can be aware of as maybe a temporary emergency witch when you need to move from face to face to online. **Celly** said that they're also seeing this at Statewide groups. She said this is what many faculty are doing, but not as a result of policy, they're just doing it. They're using that discretion based on the number of sessions or the percentage of time that is allowed by their own educational policy or policies to front end the online part of face-to-face classes to bring them to the end of the vaccination mandate.

**Senator Katzenstein** called the question which was seconded. A vote was run on all prior recommended amendments. Amendments pass - 49 in favor, 5 against and 0 abstentions. A motion was made and seconded to vote on the amended resolution.

**Resolution passes: 41 in favor, 5 against and 1 abstention**

**Emergency meeting adjourned.**