

SEC AGENDA - Emergency Meeting

June 23, 2022

Online via [Zoom](#)

2:00 to 4:30 pm

SEC MEMBERS IN ATTENDANCE: Abel Mills, Baljon, Brooks, Butler-Byrd, Fuller, Hernandez, Kamper, Lach, Love, Marx, Moore, Ozturk, Schellenberg, Sharma, Weston, Wills.

1. Call to Order, Land Acknowledgement, and Principles of Shared Governance:

Secretary Fuller reported that quorum had been reached and the meeting was called to order at 2:03pm. **Chair Butler-Byrd** shared the reason for the emergency meeting being a communication from **AVP Madhavi McCall** about an emergent issue with the GVAR that is time sensitive, and other agenda items have also been included. **Chair Butler-Byrd** provided instructions on meeting protocol, and read the Land Acknowledgement and the Principles of Shared Governance.

Land Acknowledgement

We stand upon a land that carries the footsteps of millennia of Kumeyaay people. They are a people whose traditional lifeways intertwine with a worldview of earth and sky in a community of living beings. This land is part of a relationship that has nourished, healed, protected and embraced the Kumeyaay people to the present day. It is part of a world view founded in the harmony of the cycles of the sky and balance in the forces of life. For the Kumeyaay, red and black represent the balance of those forces that provide for harmony within our bodies as well as the world around us.

As students, faculty, staff and alumni of San Diego State University we acknowledge this legacy from the Kumeyaay. We promote this balance in life as we pursue our goals of knowledge and understanding. We find inspiration in the Kumeyaay spirit to open our minds and hearts. It is the legacy of the red and black. It is the land of the Kumeyaay.

Eyay e'Hunn My heart is good.

Michael Miskwish – Kumeyaay

Principles of Shared Governance:

Trust is recognized as a fundamental ingredient that is essential for effective shared governance. Without trust, the practices of partnership, inclusion, open communication, ownership, and accountability are likely to break down. SDSU community members have identified three key principles for shared governance at SDSU that all rely on the fundamental ingredient of TRUST: Respect, Communication, Responsibility.

2. Approval of Agenda (Fuller)

Secretary Fuller moved approval of the Agenda, noting that the Provost's report was removed, and acknowledging that the agenda had gone through several iterations and that Senate Leaders appreciate the patience of the committee membership. The Agenda was approved without objection. Moved by **Fuller/Weston**.

3. President's Report (de la Torre)

3.1. Criminal Sexual Assault Investigation and Title IX Report (Mendez)

President De la Torre: the purpose of this presentation is to share detailed background about the process by which SDSU has made decisions and responded to the alleged sexual assault which occurred last year relating to some SDSU students. Acknowledging the LA Times article, and subsequent opinion piece concerning SDSU's role in the response and/or investigation of the alleged assault. These articles demonstrated a lack of understanding or a lack of recognition relating to the complexity of the case associated with the alleged assault. The presentation today is meant to address some issues outlined in the press. There is no greater issue for her presidency than to address the health and safety of our community and to address issues related to Title IX forthrightly; in fact, under her leadership, this is the first time the campus has had a full-time Title IX Coordinator. It was this Title IX Coordinator who played a key role in determining how the campus should proceed in relation to the case at hand, in consultation with the Office of General Counsel and the Chancellor's Office. The campus has been engaged in this process since October 2021.

Jessica Rentto: It is important to start by laying out the timeline because there are a number of items related to how this case unfolded that can provide context missing from the articles in the press. Timeline elements noted:

- October 16, 2021 A party takes place off-campus in a house where football players live
- October 19, 2021 A minor, non-student went to the San Diego Police Department (SDPD) and filed a criminal charge alleging that she was sexually assaulted at that party on 10/16/21. That same day SDPD notified campus officials that the criminal complaint had been filed.

It is important to note that the victim is a non-student, and at the time of the alleged crime, was a minor. Also, the alleged assault occurred off-campus. Campus officials initially did not (do not) have a complaint from the victim, and the campus was made aware by SDPD who informed campus officials that they would be investigating the incident as was in their jurisdiction. In addition, SDPD asked campus officials to not make any announcement or share any information regarding the complaint/investigation, as this might interfere with the investigation. Campus officials have a limited understanding of the details of this incident/investigation because they have not been shared by SDPD. SDPD made it clear that they wanted no one to be made aware of the complaint as it might interfere with SDPD to effectively investigate and interview suspects or make pretext calls, which is an investigatory method common in these types of cases. In addition, the campus was under the assumption that SDPD was working on search warrants and wanted to prevent any leaks about the complaint as those leaks might result in the destruction of evidence, etc.

Given the allegations were not made or shared with campus officials, and campus officials' lacked enough information to take action, as well as SDPD's request, the campus initially chose not to take any action.

In late October, the campus received several communications anonymously through the Athletics REAL Response System, a system used by Athletics to communicate with their students. These communications were from anonymous athletes who reported that while they were not present, and could not confirm the rumors, folks in the community were hearing that a sexual assault had occurred. Campus officials immediately contacted SDPD to share this information in the spirit of collaboration. Campus officials did communicate to the anonymous reporters that they could get in touch with the campus Title IX coordinator and also provided contact information for who to contact at SDPD (encouraged them to go to SDPD). Over the next several months the campus continued to seek out information about the incident and share it with SDPD. For example, to encourage reporting by witnesses, etc. campus took some actions:

- Sent a reminders to coaches, trainers, staff etc. reminding them of their obligation as mandated reporters.
- Brought a guest speaker to Athletics, Brenda Tracy, to speak about her personal story of sexual assault, which happened to be very similar to the allegations made in this case, as well as her recovery.

These actions brought forth no new reports from coaches, staff, athletes, etc.

As of early December 2021, campus officials still did not know the identity of the victim, nor the names of any student being investigated as a part of this case. There were no witness reports made to campus officials, and no complaint had been formally made to the university directly. However, there was a concern on part of campus officials that the victim in this case may be feeling frustrated by a sense that nothing was happening. It was at this time the campus sent a

letter to SDPD outlining the contact info for Gail Mendez (Title IX Coordinator) and the university's complaint process and procedures. SDPD confirmed that they had provided this information to the victim, but SDSU did not hear directly from the victim. At this point, all the campus knew was that SDPD was actively investigating and putting a large amount of resources toward investigating the complaint. SDPD continued to ask the university to not say anything about the complaint or investigation.

What is important is that throughout the eight or so months since the complaint was filed, the campus has continued to stay in touch with SDPD via our University Police Chief Mike Hastings. While they are not giving us substantive updates, they continue to say they are actively investigating. SDSU's information is quite limited but we continue to ask for regular updates. We continue to cooperate with SDPD.

Gail Mendez: Acknowledges that many here to today have been personally impacted by the events outlined in this story/complaint. She encourages all of us to care for ourselves, etc. Also acknowledges that while our focus today is on process and procedure, this is an issue with people at the center, and there is a young woman who endured horrible acts of sexual violence. The victim remains at the center of our thoughts and the center of our efforts.

Title IX processes on campus and how it intersects with criminal investigations. Title IX is a federal regulation that every university must have a policy that prohibits sexual violence and must have a procedure to address complaints of sexual violence. A Title IX inquiry looks at whether the university policy was violated. The criminal process addresses if a criminal law was broken. Sometimes a Title IX violation involves a crime, but not always. Title IX is broader than criminal guidelines.

It is common, when a victim has filed a criminal complaint for the Title IX process to pause for that and stay paused until the criminal investigation and process has completed. This is noted in our policy; Title IX investigations can pause for the fact-gathering of criminal investigations.

This case is unique in that the Title IX Coordinator learned of this from SDPD and not the victim herself, so while a Title IX might pause for a criminal investigation, in this case Title IX never got off the ground and began in a paused state. While unique, this is routine.

As a Title IX coordinator, an important factor in determining whether or not to pause a Title IX investigation depends heavily on the victim's wishes. As the victim has no input from the victim, we looked at the legitimacy of the request from SDPD to pause. Would a simultaneous Title IX investigation have the potential to undermine the criminal investigation? Based on the information received from SDPD, it appeared to university officials that the request from SDPD to pause was legitimate. It is important to note that the SDPD assertion was that any information from the university (e.g. crime bulletin, community alerts) might jeopardize the

investigation was deemed legitimate, so in the interest of protecting justice for the victim, SDSU honored the request from SDPD.

The Title IX process means that we continue to reassess; we continue to look and analyze what SDSU's response needs to be. We still feel that the pause is appropriate. At the end of last week, SDPD sent another formal request in writing saying they were at a critical point in their investigation and asked us to continue the pause of the Title IX investigation and to not share any information regarding the incident.

Addressing the idea that once the LA Times article came out, the suspects must now be aware that they are suspects. We considered that fact. SDPD asked us specifically not to say anything even in light of the LA Times article. SDPD provided campus officials with enough info (not appropriate to share here) that their request was again legitimate.

To reiterate, we still have no complaint, and no victim to contact. Without a victim, the Title IX coordinator must ask if without the victim's participation can a meaningful investigation occur? We continue to assess this in an ongoing fashion as more information is received, but the campus remains under the pause. We want to make sure that we do nothing to harm the criminal investigation, especially given the differences in outcomes between a Title IX and a criminal investigation – Title IX's highest penalty in this type of situation is expulsion from school, while the penalties in a criminal investigation can have more severe penalties.

To summarize, the following has influenced and is part of our assessment regarding our current and future courses of action:

- The SDPD request(s) to pause our Title IX investigation and not share any information regarding the incident is legitimate.
- No witnesses have come forward to report on the assault to campus officials.
- The victim chose to file the complaint with SDPD and is cooperating with the criminal investigation; the victim, though provided information on how to contact SDSU, has not filed a complaint with the university. It is important to not undermine the victim's chosen process. While both expulsion and criminal penalty may be appropriate, it is important to avoid the pursuit of an expulsion if it can threaten a criminal conviction, especially in light of the victim's courage.
- Importance of the criminal investigation as it can provide a more severe penalty.
- The alleged assault occurred off campus. Title IX has some severe limitations, and given the alleged assault occurred off-campus, we will likely look to other campus policies that may apply. Incidents like this will likely trigger other Student Code of Conduct violations.

At this point, a question and answer period began.

Baljon: Asked if it is possible to suspend the suspects from athletics until the investigation is completed or another action to show that we take this seriously?

Mendez: As long as we are under the SDPD pause, we would not take action like this because it would make clear who the suspects were. And in this case, we do not know the identity of the suspects so any action like this would be impossible. We only know that the assault happened at the house where athletes live, and we don't even have confirmation that the suspects are even athletes. There are mechanisms for dispensing consequences (e.g. suspension during an investigation) once an SDSU investigation is underway – which we may be able to explore in the coming months. These types of consequences that occur before a final determination in the investigation (parallel to due process) are based on a threat assessment – will the student be a continued threat to the campus community? We are only able to do that if the person poses a threat. So once the pause is lifted, as pauses can not be indefinite, we can begin to pursue this or other options. In a case of this complexity, an eight month pause is not very long.

Addressing questions that have come up in other forums on this incident. One is the length of the pause, which she just addressed. They cannot guess how long the pause will be – though it seems that the end of the pause is not imminent. There was a subtext in the LA Times article that this was a football team incident, and that the university may be covering up to protect athletes. Acknowledging that this may have been suggested because we have seen this happen too many times in our culture where people protect perpetrators of heinous crimes and subvert justice – but she assures us this is not the case here. At no stage of the university's analysis has the status of the students been part of the conversation. None of the facts in this case suggests the university was trying to protect its football players. Since the beginning, SDSU has actively encouraged participation and shared information with SDPD.

Kamper: Appreciates the effort of the university to comply. Takes issue with infringing on student's rights should not apply to football. A student has no right to participate in Athletics.

Mendez clarified she meant that suspension or expulsion from school (not sports) without due process would be a violation of a student's rights. **Mendez** notes that Title IX can't just use the simple fact of the arrest and say guilty for Title IX too; SDSU still must do our own process. They're not interchangeable in that way. There are specific athletic rules that are much looser and might be applied.

Rentto: In the past, many coaches have rules that say if an athlete is creating too much of a distraction they can be removed from the team. Coaches can bench or suspend players when they want based on this type of rule, and I've seen that play out at SDSU before.

Hernandez: As a mandated reporter, wouldn't the coach be required to report the student and bench the player? Given the anonymous reports couldn't an argue be made that the students involved in the alleged assault have already created a distraction?

Mendez notes that the only information collected from the Athletics REAL system is what team they are on, and from the comments we know that the 4 or 5 reporters were from the women's teams. **Mendez** personally tried to get them to talk to her. She offered meetings, and said she would do it over the phone so they could remain anonymous to try to learn more about what they knew and who knew. All of the anonymous reporters declined. **Mendez** also repeated that they sent our mandated reporter reminders to all Athletics coaches and staff, but no reports were made, and the identity of the suspects is not known. **Mendez** shares that since the LA Times article was published, they were more free to approach Athletics staff and coaches again more specifically, and still none of them reported any information. **Mendez** also reminds the group that faculty/staff get mandated reporter training, especially around Title IX.

The discussion in this section was concluded by **President De la Torre** reading the most recent letter dated June 13, 2022 from SDPD requesting that SDSU continue to take no action. **President de la Torre** shared that the campus' compliance with the SDPD request was based on the fact that SDPD has jurisdiction and the campus pursuing its own investigation might jeopardize the victim's chance of finding justice. In addition, confidentiality is a critical piece, and this victim has a right to confidentiality. **President de la Torre** notes that we have been working diligently with the police department and we are cautiously optimistic that there will be justice at the end of this incredibly complex criminal investigation, noting that things may shift at any time and is reassessed constantly.

Lach: What level of training is required of administrators in the CSU not just for the minimum legal obligation of training but to shift from the minimum of compliance to a culture of care?

Mendez: All faculty and staff complete the Title IX training. The Sexual Violence piece of Title IX is fairly new. Universities have really only been addressing this head on for ten years. We are only now reaching the stage of development where a shift to having a dedicated Title IX coordinator rather than Title IX being a job duty. Now we are investing in a person who has specific training and background to be a Title IX coordinator. 3 day CSU training is a requirement for the Title IX coordinator – subject matter expertise, trauma informed services component, and investigatory skills. In addition, there are periodic CSU sponsored training events each month (voluntary).

Butler-Byrd asks Mendez to clarify that all administrators complete the Title IX training. **Mendez** confirms.

Baljon redirects back to Lach's question about culture, and referencing an email from the Interim Chancellor of the CSU sent out today discussing a needed culture shift in the CSU system relating to Title IX, states that as much as training is important, talking about culture shifts and making them possible (especially around gender) are important. **President de la Torre** agrees, and discusses the fact that the CSU is doing a Title IX office review (conducted by an independent firm) at each campus and the Chancellor's Office. In addition, Adela hopes that review will drive a future community forum to look at our campus culture. **De la Torre** also shared that Mendez, as the inaugural Title IX Coordinator, has been expanding resources to those impacted by these types of incidents.

3.2. GA and TA Workloads and Benefits Report (Love-Geffen)

President de la Torre yields her time to **Sasha Chizhik**: The administration is not able to present to the SEC on the resource management pilot because uaw local 4123 has requested to bargain over this issue and the university respects the union's statutory role as the executive representative of effective employees. Therefore, based on the labor relations processes relating to this issue, the university will appropriately refrain from engaging other constituencies on this matter until the bargaining processes are complete. The Senate is welcome to request that this issue be placed on the Senate agenda once the labor relations process concludes.

4. UAW 4123 Report

4.1. Pres. Lark Winner & VP Pete Uhl, Teaching Assistants

Chair Butler-Byrd recognizes guest presenters President Winner and VP Uhl.

Winner is the statewide president of UAW 4123, and she is joined here by Teaching Associates who are here to tell the SEC how the proposed changes to Teaching Assistant contracts will impact them personally. **Winner** makes clear that they are not here to bargain and that their presence here does not waive their right related to the university's obligation to bargain with the union.

Uhl: He is a TA in the Math Department. His wife Katie receives health care benefits through his employment with the university and depends on the quality of its continuous care they have been receiving for the last 4 years. Without this access to healthcare it would not have been possible for him to pursue his PhD at SDSU. The prospect of losing these benefits threatens his position at SDSU as a PhD student and TA.

Chair Butler-Byrd points out that additional speakers not on the agenda require a member of SEC to yield their time.

Fuller yields her time to **Garland Gerber**. Fourth year PhD student in the GDP program who does research on substance abuse in the social work program. She is a TA as well as the Instructor of Record for the “Drugs and Society Problems, Prevention and Treatment” course for the upperclassmen in the social work undergraduate track, and has co-taught the Trauma Counseling course in the Rehabilitation Counseling Master's Program. She is President of Aztecs For Recovery, a student organization for students exploring or who are currently in recovery from addictive disorders and or mental health. I am the Student Council President for my GDP program, and I have a master's degree in Clinical Psychology, licensure in Marriage and Family Therapy and a certification for alcohol and drug counseling. She has worked for the last 15 years in mental health and substance use as a clinician and, more recently, as a psychotherapist in treatment and private practice. She is a 43 year old woman who has worked very hard to build my career. She left her career making good money and full benefits to further my education and receive her doctorate. She took that leap because she knew she would have certain benefits and security for herself and her son promised to her by her contract in the graduate program. She is a single mother of a young man who will be going into a sophomore year at SFSU. He is my dependent and relies on the health benefits, just as much as she does, considering she is unable to work full time as part of my agreement to the PhD Program. She feels she has gone above and beyond, to fulfill her obligations to the school, as well as my PhD program, driving to and from Los Angeles to San Diego to teach her courses once a week. She is in recovery from substance use disorder and mental health illness, both chronic conditions, and maintains her recovery with weekly therapy and daily medication of antidepressants and naltrexone. She is able to create a full life for herself and be reliable, to my family, friends. career and education, because she can access these health benefits. Her son is able to be successful in school and have a positive life experience, because he can access counseling and medication for his ADHD. Quality health care benefits are important to graduate students because they have numerous challenges and obligations to fulfill, and having to worry or be concerned with health benefits for themselves and their families creates tremendous hardship and burden for them, especially just coming out of a pandemic that has had them all very mindful of their wellness coupled with financial disquietude.

David Kamper yields his time to **Briana Tatum**. Briana is a fifth year PhD student in the Cellular and Molecular Biology Program, and TA for BIO 211, a course of over 300 students. She identifies as a non-traditional student in her 30s. She transferred to SDSU in 2019 while caretaking for my father before his untimely demise. In 2020, she experienced significant medical hardship which led to chronic illness. She was diagnosed with an autoimmune disorder and fibromyalgia. As a result, she requires long term physical therapy and has routine doctor's appointments to manage her health. In 2021, her symptoms were so severe that she was screened for cancer, had surgery, and required many urgent care visits. Despite her personal challenges, she has been able to maintain her student status, laboratory research obligations and required TA positions, while managing my weekly medical appointments. She transferred to SDSU with the understanding that she would have guaranteed health benefits throughout her graduate studies until graduation. She is disheartened by the prospect of losing her health

benefits. She has dedicated the past three years of her life to SDSU in good faith, as a graduate student TA while fighting for her life and quality of health. Given she has a chronic medical condition, the loss of health benefits poses a serious threat to her life, and financial hardship. She must have the ability to maintain her current health care regime with her medical team which has taken years to find and develop a manageable health care plan. Without SDSU's healthcare, she will no longer have access to the medications and physical therapy appointments necessary to maintain my physical mobility and quality of life. Simple acts that the average person takes for granted, like sitting, standing and walking, will become a severe challenge for her without medical intervention and physical therapy. She is registered with the Student Ability Success Center (SASC). As a disabled student, she is deeply concerned that SDSU would choose to dishonor graduate students and TAs as they are a fundamental aspect of higher education, thank you for your time.

Shawki Moore yields his time to **Nick Jolson**. Nick is a Master's student in the Statistics Department and TA for STAT 119 for the past two years. He experienced a severe mental breakdown in March of 2019, and was diagnosed with depression and anxiety. He sees a therapist regularly and takes several medications to help deal with these mental issues. He also takes medication for cholesterol, blood pressure and ADHD. At the very least, he cannot function properly without taking these medications every day. At worst, he could die of a heart attack or commit suicide. If he loses his current health benefits, he will no longer be able to afford these medications, therapy sessions or regular doctor visits. His wife Casey also depends on these benefits, she was diagnosed with skin cancer earlier this year a cancerous mass was found on her left nostril. The mass and the majority of her nostril were removed during surgery. This resulted in Casey needing additional surgeries to reconstruct her nose. She now sees a dermatologist monthly to make sure that the cancer has not spread to other parts of the body. In addition, Casey takes several medications for various medical issues. If he loses my current health benefits Casey will also not be able to afford her medications, surgeries and regular doctor visits.

Roberto Hernandez yields his time to **Ellen Kuang**. Ellen is a fourth year student in the Chemistry Department and a TA for CHEM 457. In March 2020, her boyfriend caught COVID from his boss at work and brought it home just before the shutdown. After recovering from COVID, she later discovered it left her with an on and off arrhythmia. Her doctors have no idea what to do, or how to treat it. She was told to rest if it starts and contact the doctor if it persists for long periods of time. For her, it's essential that she maintain regular and continuous access to a doctor, in particular because during her entire diagnosis process because of my healthcare access through CALPERS, her ER visit, the wearable diagnostic screenings, the X rays and the cardiologist consultation in total cost only the \$50 copay. If she had been on any other coverage plan, such as the ones that the school administrators are currently suggesting as alternatives, she would have had to choose between never seeing a doctor about my month-long irregular heartbeat or being burdened with medical debt on top of her already extensive student debt. She acknowledges that she is not the only one in our graduate student body who is living with chronic and even more serious conditions, illnesses or diseases, visible or not, who depend on

this healthcare access we are currently afforded. They literally depend on the CALPERS coverage that's currently available. For many, this coverage was what convinced them to pursue a graduate degree at SDSU in the first place. Loss of coverage for some will also become a reason for many students with chronic illnesses and dependence to leave the university.

David Kamper yields his time to **Tamsen Dunn**. Tamsen is a fourth year Biology graduate student with two little girls. This week I learned that I was exposed to COVID by a professor at my work. As of today, her daughter is also home sick with a fever and sore throat. This makes apparent that the health of graduate students and their children are intimately tied to the health of the SDSU community. She asks the groups to imagine the scenario that she has just described, only at the same time your boss tells you that you have a raise and a reduction in hours, and that sounds like, on the surface, a good thing. And then two days later, you realize that this raise has been paid for by eliminating your health benefits and those of your children. And the administration never tells you this, they just leave it to you to figure out by reading the fine print. Imagine the anger, the terror and the sense of betrayal you're going to feel when you figure out this raise everybody's talking about has just taken your children off healthcare. When she spoke to the administration about her children being dropped, she was told to contact her health care coordinator, and this person immediately referred her outside of SDSU, to public health care coverage. From there, she was told that her graduate student salary was too low to qualify for Covered California, and instead she was directed to Medi-cal. She is 43 years old, and stepped away from a good career in industry, with benefits, to go back to school – knowing her family would be covered when she stepped out onto that ledge was a major part of her decision process. She is three years into her PhD, and a worker at SDSU, and she would really like to keep the benefits that she and her family signed up for when I started this academic adventure.

Wil Weston yields his time to **Mohamed Abassi**. Mohamed is a 36 year old former Tunisian Air Force Pilot completing his fourth year in the Aerospace Program. He left his country, his family and his career as an officer for a better life in the US six years ago. He chose to embrace an academic and scientific path in his life. He has been at SDSU since 2016, without being able to return or visit his family, because I was working to fund my second year of his Master's, then working directly for his PhD program. He has been working as a TA since 2017, and the number of sections he has been teaching has steadily increased so that next fall, he will be teaching four sections. With inflation, the increase in housing costs and the current economic crisis, this health insurance cut would severely affect him and add a huge financial burden as he is already struggling to save the \$1,200 tuition fee due every September and January. His fiance he has not seen in six years will join him at SDSU, and this cut will impact not only his mental well being but add a financial pressure that will impact his academic performance as well. As an international student, my options to work off-campus are drastically limited due to immigration restrictions, which makes him fully dependent on what he receives from SDSU. International students only have insurance provided by SDSU for TAs, so the loss of this coverage will not only compromise his academic future, but also my immigration status as an international student.

Satish Sharma yields his time to **Zachary Snider**. Zach is a Master's student and TA in the Biology Department. He has an autoimmune disease, Ulcerative Colitis, which developed about three years ago, and having good reliable health insurance has been really vital for him. He's been on a series of immunosuppressant treatments for a while, and hits his out of pocket maximum with his insurance every year. He really felt comfortable pursuing my master's degree at CSU, knowing that I would be covered as a TA. Now, though he's relatively stable after a series of surgeries, he would not dare take a position without secure benefits. He feels no incentive to continue as a student here without his benefits.

Pamella Lach yields her time to **Brandi White**. Brandi is a fifth year student in Cellular and Molecular Biology. She is a TA for Biology courses and labs. When she was pregnant in 2020, she didn't know that her water broke at 28 weeks. It was a busy time as the campus was moving to CANVAS and online learning. Because she had reliable and accessible healthcare through her TA-ship, she was easily persuaded by her roommate to go to the hospital just to make sure everything was okay. It was not, and luckily, because I got in right away to the doctors, they were able to save my three pound baby who stayed in the NICU for over two months. Her infant had to return for care and specialty visits every two to four weeks for the next 18 months. If she did not have that standard of care and ease of use, she probably would have postponed the checkup, and would have most likely lost her son at six months gestation. And then, the good news: just this week, because she has good benefits, her son was able to get rapid access to a covert vaccine.

Kamper shares that as a former UAW member, he appreciates all of the guest speakers today. He remembers the previous fight to ensure the right for graduate student workers to bargain. He is proud of their solidarity and supports their right to demand access to healthcare. He hopes that their right to bargain continues to be respected by the university.

Chair Butler-Byrd asks **Sasha Chizhik** to confirm that there will be a "Meet and Confer" meeting. He confirms.

David Marx thanks all the guest speakers. Is it true that if you need insurance you can still get it through the university? Dean Roberts sent out an email to assure all that all graduate student workers who need insurance would receive it. He asks someone from the administration to confirm that this is the case, but no one from the administration can speak to the matter at this time.

Stephen Schellenberg echoes **Marx's** questions. He felt that the update to the graduate student contracts was meant to help them and not hurt them, developed under the mantra to "do no harm." He was made to believe that students who needed insurance will still be able to get it through reaching out to their Deans and asking to maintain the .5 appointment by allocating additional work. He wonders if there has been some miscommunication, and he feels

that a lot of pertinent information, like the proposed tuition waiver, was left out of the open letter circulated to students.

Chair Butler-Byrd asks if any of the student speakers want to respond. President **Winner** reiterates that they are not here to bargain or discuss.

Shellenberg reiterates he wishes that there was more full disclosure and the ability to have a discussion on both sides.

Baljon: In speaking with students, she agrees with their sentiment that telling the students to “go talk to the Dean” about getting extra hours is not comfortable for most students. She wonders what is possible in terms of offering existing student workers to stay in the old arrangement, and offer the new arrangement to new student workers.

Kamper: Affirms the right of students to organize and “Meet and Confer.” He wants us to support the collective bargaining process. Though some faculty do not seem to understand the point of collective bargaining, and don’t want to get into a “Union” situation, that process is the point. It is important for us to support that process. The point of a union is not to hear this person's anecdotal argument or that person’s anecdotal argument, but as a collective they should be able to bargain, and not have to rely on the goodwill of their Dean or their Professor. That's the reason why we have collective bargaining all over the United States, and that's the reason why we have it in this context, so that the graduate students as employees can speak with a unified voice. Otherwise, they're just left to the good. Everyone may agree with what the union does, and as a grad student they have their right, then, to vote out the bargaining team and the officials. This is the whole point of having collective bargaining...so that an individual isn't put in the situation where they have to go ask their Professor, ask their Dean, for an exception. For us to ask them, “have you done this and have you done that,” is pretty absurd or it’s a fundamental misunderstanding of how collective bargaining works, and what we've had in the UC system and CSU system for several years.

Roberto Hernandez: shares we may want to consider “grandfathering in” existing student workers so that they continue with the insurance, benefits and work assignments, rather than negotiating on a case-by-case basis.

Moore: Wants to validate all the stories shared by students to this body today. It is an incredibly insensitive gloss over, or not validate, the stories we’ve heard today. He finds the pestering and questioning of students today in bad taste. Asks the question if we as Senators always feel comfortable asking our Deans for something so personal? Probably not, and so, it is something we need keep in mind when we work with these students.

Abel-Mills attempted to contribute to the discussion but was having technical difficulties so we moved on for now.

Schellenberg calls the question.

Chair Butler-Byrd clarifies that there is no question to be called and thanks the students and President Winner and VP Uhl for taking the time to provide their report today. She asks these guests to leave as the SEC will be entering the Committee of the Whole.

5. Committee of the Whole

Schellenberg/Fuller moved to enter the Committee of the Whole. **Chair Butler Byrd** asks if anyone objects to her chairing the Committee of the Whole since the Vice Chair is not present today. There were no objections.

5.1. How can SDSU promote victim and survivor advocacy in Title IX and the reparations necessary to restore trust and re-Integration into the SDSU Community?

5.1.1. A
S-3534: PROMOTING VICTIM AND SURVIVOR ADVOCACY IN CSU TITLE IX PRACTICE:
<https://www.calstate.edu/csu-system/faculty-staff/academic-senate/resolutions/2021-2022/3534.pdf>

5.1.2. G
A/TA Workloads and Benefits: Impacts on shared governance, academic freedom, and excellence?

Report from the Committee of the Whole was provided by **Chair Butler-Byrd**. The SEC recommends that we make no action at this time.

6. Action Item

6.1. Graduate Writing Assessment Requirement (GWAR) Proposal SDSU time sensitive compliance issue (McCall).

The following 6 GE classes (2 from each explorations category) shall be designated as 3-unit Upper Division Writing courses:

Social Sciences

History 404 - Hist of Human Rights

BRAZ 325 - Brazilian Democracy and Society

Humanities

ENGL 301 - Psychological Novel

ENGL 305 - Literature and Environment

Natural Sciences

ENV S 301 - Energy and the Environment

MATH 303 - History of Mathematics

[NOTE: the opening portion of this discussion was accidentally deleted from the recording so will be paraphrased]

McCall: **McCall** provides a report on the emergency update required to stay in compliance with Chancellor Office executive orders in relation to writing proficiency. The CO has ordered us to no longer use the WPA to determine placement or exempt students from writing courses, and so we are scrambling to find a way to either provide additional upper division courses that are made available to students to satisfy writing proficiency for graduation, or alternatively, in some rare instances (like Engineering) provide a temporary exemption for students graduating in this year. We also will need to review and approve a more long term solution in the coming year.

The shared governance process that we would normally use for course modification, which is something like this, would have gone to UCC (UCC Chair Steve Barbone is out of town until July 2). UCC would have referred it to the Writing Sub-Committee, which in the last few years has been the Chair of RWS. The Chair of RWS has looked at these classes and said that they meet the requirements for a writing class. This is a short term solution in order to get our students through the 22-23 academic year without asking them to take an additional upper division writing class. We did not want to make the engineering students and the nursing students, in particular, who are graduating this year, take the additional course – to suddenly have to take three more units, without the WPA as an option for testing out of such a course.

The reason this is short-term only is that the 68 majors that do not have embedded writing in their plans already need to determine writing courses their students can take to satisfy the requirement. In terms of what to do with the CSU writing policy going forward would be a department decision. The departments have several options. They can continue with RWS 305W or its equivalent, they can embed writing or ask that writing be embedded into GE classes, they can embed writing in the major classes. But that's something to do this coming year in preparation for next year. This is not for incoming students in 23-24, this is for graduating seniors this year.

Chair Butler-Byrd asks if **McCall** has a specific motion she is making, and notes that there are several hands raised, and recognizes Lach, Brooks and Baljon.

McCall makes the motion to allow a couple of additional courses count as satisfying the writing requirement. She did not choose these courses, rather they were put forward by the colleges

and reviewed by the Chair of RWS. We could add more or less, but in her opinion, six feels like the right number, and to add more in this emergency session that circumvents the normal process would not be ideal. These courses in particular also make sense as the campus is moving toward a model of embedding writing in courses and these already have such writing embedded. This also allows the campus to show it is moving in the right direction, and since if we cannot provide such courses, we would likely need to waive the requirement temporarily, adding these courses means we'd likely only need to waive the requirement next year for engineering students.

Lach: Will this be a retroactive decision, meaning, if a student took one of these courses last year, before it was designated a writing course, will it still count toward satisfying the writing requirement if they graduate this year?

McCall: The Registrar's Office will complete a "blanket" RAAR for these courses for this year, and since the curriculum did not change any student graduating in the coming year who took one of these courses will then have satisfied the writing requirement (per the blanketed RAAR). In terms of long term solution, we will need to work with Senate Writing Committees (there are more than one, so APP will assist in the fall in determining which writing committee does what) to determine how many units students have to take if it's embedded writing and a secondary type class or if it's a primary class. The CO pointed us to CSU Fullerton's policy which is a good one, but there's a lot to look at for the future like how often these writing courses should be reviewed, etc. The other reason this proposed solution here is temporary, is because there's a new policy AB928 which will remove 6 units from GE, and we cannot stop this as the governor has already signed it. Because of this majors may choose to refer the job of teaching writing out to RWS, and there will be other ramifications we have yet to discuss. Another complication will be the proposed state-wide shift for Area E to go to upper division, or move other requirements to upper division. A lot is up in the air and this is why we are trying to only get through this year as the other moving parts become more clear.

Ozturk: This issue is very critical for Engineering. The new map shows Engineering at 123 units. The solution on the table does not work for Engineering students because of the exemptions from Social and Behavioral Sciences upper division courses. He feels that some of the existing major courses have writing components and should count for the requirement, much along the lines as the other proposal here. These courses are not in the list proposed today. However, he feels that there is not a great understanding across the campus of how writing looks different in engineering, and the makeup of the committee will be important because if that committee is only RWS or CAL – the engineering courses may not be approved as upper division writing courses.

McCall affirms Ozturk's concerns and clarifies that the Senate will have to explore the issue of long term solutions for engineering and others during the year as part of a shared governance process.

Chair Butler-Byrd notes that there is only 5 minutes left and asks for a motion to end the meeting by 15 minutes. **Moved by Sharma/Ozturk**. No objections; motion passes.

Fuller asks for a point of clarification. This is a temporary policy through the end of this year, so what we are asking for is a footnote to be added to the Writing Proficiency section of the Policy File that applies to the coming year only, and this is not a conversation related to a final solution, correct?

McCall affirms that yes that is correct. There is no permanent solution available at this time. The footnote should clarify that these six additional classes would count as writing courses for the AY22-23. It would then be up to the different majors to determine how their students would satisfy the requirement next year. She expresses that she is not 100% sure about the language. **Fuller** makes the point that in order to make a motion today and pass it, we would need very specific language related to what update will be made to the policy file. **McCall** does not want to finalize the language today. She wants to wait for feedback from Student Affairs. **Fuller** makes the point that if we have no specific language today, it is unclear what we will be passing, or why a meeting was called. **McCall** clarifies that these courses must be approved as writing courses before students start registering July 1.

Chair Butler-Byrd asks for the specific language.

Baljon agrees that we need to have a specific language. It is also unclear to her and she wants to know what exactly we are approving. Suggests we wait until language formatting is complete and do a vote by email.

McCall shared there is language that is simple that we can approve today.

Fuller asks if a student takes a course today does it count two years from now?

McCall and **Hernandez** clarify that the additional courses, if taken next year, would be on the transcript as a writing course, no matter when the student graduates.

Fuller asks to clarify where the footnote will be placed.

McCall confirms that yes it will be added as a footnote to the Writing Proficiency section of the Policy File.

Brooks asks for clarification about whether the “patch” would be for all students or for students with 120+ majors only. **McCall** confirms yes. It applies only to the 68 majors impacted

– engineering and IB. Emphasizes that we need to begin working on this now in committee. The proposal will be for 120+ majors only.

Chair Butler Byrd asks for the specific language. **Wheeler** puts the specific language in the chat.

Fuller asks if we can do a vote by acclamation. Clarified we can but decide to do a yes, no, abstain vote via ZOOM functionality.

Chair Butler Byrd asks for any final discussion.

Baljon asks to clarify how when a student takes or has taken a course listed here will impact whether or not it will satisfy the requirement. McCall clarified that this will only be for the students graduating AY22-23.

The following language was proposed and a motion was made by **Schellenberg/Fuller** for approval of adding a footnote to the “2.0 Writing Proficiency” section of the policy file.

The following 6 General Education (GE) classes (2 from each explorations category) shall be designated as 3-unit Upper Division Writing courses for students whose majors are currently above the 120-unit cap and are graduating in AY 22-23 with the expectation that the appropriate Senate curriculum and writing committees approve permanent policy for beyond AY22-23:

Social Sciences:

History 404 - Hist of Human Rights

BRAZ 325 - Brazilian Democracy and Society

Humanities:

ENGL 301 - Psychological Novel

ENGL 305 - Literature and Environment

Natural Sciences:

ENV S 301 - Energy and the Environment

MATH 303 - History of Mathematics

Wheeler clarifies that a $\frac{2}{3}$ absolute majority vote is required, which means all 14 people in the room must vote yes. **Baljon** initially abstained but then changed her vote to yes. There was some confusion about the number of votes made, either 13 or 14, based on the number of

members still present. **Wheeler** suggests the Chair queries members not present, so that the vote can maintain its integrity.

[Additional members were queried post-meeting, with two additional members voting YES, **Abel-Mills** and **Barbone**]

Motion meets the $\frac{2}{3}$ majority required: 15 “yes” | 0 “no” | 0 abstentions.

7. Unfinished Business

No unfinished business was brought forward.

8. New Business

No new business was brought forward.

9. Adjourn.

Brooks/Kamper motion to adjourn. Meeting was adjourned at 4:45pm.

From: Madhavi McCall
Subject: GWAR Policy
Date: June 17, 2022
To: SEC

Graduation Writing Assessment Requirement Determination of Competence in English

The California State University Graduate Writing Assessment Requirement has been temporarily suspended, pursuant to the attached memorandum dated February 23, 2021.

Graduation Writing Assessment Requirement (GWAR): Baccalaureate Level

1. All students subject to the degree requirements of the 2023-24 or subsequent general catalogs must demonstrate competence in writing skills at the upper division level as a requirement for the baccalaureate degree. Students who are undertaking a second baccalaureate degree will be deemed to have met the requirement if their first baccalaureate degree is from an institution of higher education accredited by a U.S. regional accreditor.
2. **Students shall meet the GWAR requirement via a 3 semester unit, upper-division course as determined by the campus.**
3. **Campuses shall integrate the assessment of writing into the demonstrated continuous improvement process of institutional accreditation.**
4. Campus catalogs shall clearly identify the courses that meet the GWAR.
5. Certification of graduation writing competence shall be transferable from one CSU campus to another.