

Executive Committee of the Academic Senate
Minutes of the Meeting of February 10, 2025
Clark 551, 12 p.m. to 1:30 pm

Present: Joshua Baur, Julia Curry, Tabitha Hart, Colleen Johnson, Ariana Lacson, Stan Nosek, Karthika Sasikumar, Laura Sullivan-Green, Cynthia Teniente-Matson, Hiu Yung Wong
Absent: Vincent Del Casino, Kristin Dukes, Ranko Heindl, Shannon Rose Riley, Mari Fuentes Martin

The committee unanimously approved suspending the Standing Rules so President Teniente-Matson could join the meeting via Zoom.

Minutes taken by Grace Barbieri

1. Update by the Chair

a. Senate Retreat

The retreat was last Friday. 27 faculty members and one administrator attended. No other administrators or students were present, so we need to reflect on that. A short document will be sent out about what was learned.

b. Nominating petitions for elections

The petition period is currently underway and will close on the 14th. Although there are few petitions, there will most likely be a rush on the last day.

c. Board of Professional Responsibility

The committee requires five faculty members, but after putting out the call and extending the deadline, there were still only three applications. This is not a new problem; historically, it has been hard to fill this committee because faculty are hesitant to join because it can be controversial, and the committee's decisions aren't actually implemented.

C: This is important work that needs to be done and is not very time-consuming.

2. Update by the President

Last week, you may have seen some national media inquiries about our athletics program. On Thursday of last week, we received a memorandum from the Department of Education that they would be engaging in a directed investigation of all our athletics programs. We were advised that we would receive further insight or direction this week. We have not received anything as of today. I sent a campus message that we received this memorandum from the Department of Ed.

This is separate from the resolution with the Department of Justice. Prior to the transition of administration, we were anticipating that the investigation would be closed out in March at the earliest or, at the latest, the summer of 2025. We still have one more set of responses to the Department of Justice from their visit last fall.

Q: What is happening with the actual athletes? Are they being prevented from playing while this is happening?

A: The volleyball team that received national media attention last fall is not in season. Their season concluded in November, and all students who were eligible to participate participated. No one from any sport at SJSU is ineligible or not participating because of any investigation, complaint, or review. All sports are in full motion, as usual.

Q: I just want to be clear that our policy is that we will follow the NCAA rules regarding the sport. Now, if the NCAA changes its rules in response to federal regulations, then in the next season, we too will have to change our rules to comply.

A: The decision of SJSU has always been and will continue to be that we follow the law. When President Trump issued his Executive Order banning transgender athletes from any sports, the NCAA issued an updated policy to be aligned with the EO. The Mountain West Conference, which SJSU participates in, will be the next organization to update its policies. A board meeting is scheduled in the next day or so, and I fully expect them to rescind its policies. The NCAA and the Executive Order are affected immediately, which means any team across the US who have athletes who identify as transgender and are known to the university will not be eligible to compete anyway.

Q: Do we know at this point what the DoED will be investigated or what we are accused of having done? Especially since you mentioned that it is not just about the volleyball team.

A: In the memorandum, it says that there will be a directed investigation into our compliance with the specific set of regulations, and that is what they will come back and look at.

Q: Do you have a sense of the financial impacts of this if it drags on, or do you think it will be resolved semi-quickly?

A: The language of the memo and the fact that they indicated that they would tell us something this week led me to believe that it would be fairly quick. I am not familiar with organizations being charged penalties. We believe that we are in compliance. Our Athletics Director, Jeff Konya, has the compliance team now reviewing all our records and making sure that we will be ready when the team comes in. It is a large amount of time to prepare, respond and then compile post the visit, which takes people away from their jobs.

Q: Are we expecting transgender or nonbinary student-athletes to come forward in this investigation, and are there protections for them? Also, if the Mountain West changes its policy, what does this mean for our transgender and nonbinary athletes who are playing?

A: In my experience, these investigations tend to be more administrative, so they will come in and check our records and responses around compliance. They may wish to talk to athletes. We know that in this particular instance, one student-athlete and one employee joined in the lawsuit against the NCAA, so they might seek them out. It is not in my experience that they come in wanting to talk to individuals, but that could happen. Additionally, I fully expect that the MW will have to rescind its policy because it must comply with the NCAA to be able to compete. The athletes who were publicly engaged in some of the media discussion in the fall, are graduating or about to graduate, or are not enrolled at San Jose State at this time, so I do not anticipate a negative impact on those students related to them playing because their eligibility to play is completed.

Q: Is there an update on athlete teams being cut that was mentioned last year?

A: Last AY, I charged the Athletics Board to look at sports sponsorships. As the conference realignment situation emerged, we were uncertain coming into the fiscal year what the conference realignment was going to look like, and now, with the changes in NIL, the AB continues to look at athletics finances, which include sports sponsorships and the other three impacts that are going to include revenue sharing with some student-athletes. We will be discussing this further at the March 10 budget meeting. The December Huron report looked at all the finances of athletics, and it was presented to the Athletics Board, and they are working on consuming that information.

At the last full Senate meeting, Senator Mathur inquired about the reorganization within UP and the change of titles of certain employees from directors to AVP. I'd like to provide more context. In the spring of 2024, some senators raised concerns about UP's processes related to faculty affairs. In response, I commissioned an external review by the Segal Group in May 2024, which provided a high-level assessment and recommendations. Meanwhile, the Chancellor's office was also reviewing their human resources. Our campus and Sonoma State engaged in the multi-university collaborative, which brought in Deloitte consulting to look at administrative efficiencies and streamlining opportunities, which was part of a broader system-wide effort. Deloitte reviewed reports from Segal, NACUBO, and work groups sparked by the BAC. Evidently, a decision was made to move forward with the reorganization in UP that might somehow support the shared services mode. That work was done without informing the shared services planning team or the President's cabinet. I learned of the reorganization in December through the email review notifying the campus of the reorganization.

Upon discovering this, I immediately reached out to internal audit. When Jeanne Durr arrived in January, I asked her to address the situation with me and internal audit. I shared these developments with the Senate and acknowledged that the processes had not been followed as expected. I'm disappointed by this, but it is about the processes, not the people. Internal audit has reviewed the situation, and we will continue moving forward with the people-centered excellence approach.

Regarding the AVP position for UP, Senator Curry raised the question of whether it falls under Senate policy S16-8. I reviewed the policy and confirmed that the position does fall under it despite earlier interpretations suggesting it technically did not. Jeanne Durr, who currently holds the position, reports to Stan now. Stan and I will work on the position's description and recruitment and following the appropriate policies.

Q: Would it be possible to receive a copy of the rationale for the reorganization?

A: I think it would be helpful if Jeanne came to the next meeting and explained the processes she went through and what was done.

3. Time Certain: SJSU Phone Systems (12:30 to 12:50, Bob Lim and Atul Pala)

SJSU currently has a Cisco phone-based system, which is fairly expensive to maintain, and will be switching to a Zoom phone-based system. This project aligns with SJSU's cloud strategy and will also allow the replacement of a lot of old hardware that have end of life in December 2025. Since COVID-19, the majority of voice conversations are on web conferences rather than on phones. Of SJSU's 4000 desk phone users, only 1000 make more than 5-10 calls per month, and most are incoming. Many employees want to give up their desk phones, including our President. Our current Cisco phones cost around \$2000 for a new phone, which is a very high cost for SJSU, and for all these factors, we decided to migrate our phone service to Zoom Voice. We looked at other phone providers for the past two years, like Microsoft and Google, but no other service covers everything we need. We also want to make sure whatever technology we choose justifies the cost. Phone systems are very expensive, and we've been negotiating with Zoom for almost a couple of years just to get the implementation costs down to 1.06 million. One of the reasons it is so high is because it will take us one year to switch from our existing service to another service, and during the in-between, we will have to maintain both services. Zoom will provide 900k in transition incentives, which will help us. We will also use another 160k of SJSU IT Self Fund.

Q: Is that 900k directly to the university, or is it a discount?

A: It had different factors, one being that our Zoom meeting enterprise and licenses are around 300-500k, so Zoom will waive those for 18 months. They are also giving us incentives to provide support during the transition period.

Q: What does the 1.06 million cover?

A: Hardware, software licenses, and the overall design for content migration.

We want to maximize our advantage in this transformation. The implementation plan is scheduled to be completed in 5 steps and done in December 2025 before we have to renew our Cisco contracts. The desk phone is the most expensive part of a phone system; a way to lower costs is to get rid of them. If you do not need a desk phone, we want to remove it, but it will not be removed for everyone, like administrative assistance and UPD. That is why we are forming an

Advisory Work Group that can help guide us in which departments or who will still need desk phones. We are seeking the Senate Executive to nominate two faculty members for this committee.

4. Approval of the Minutes of the Meeting of January 27, 2025- 8-0-1 approved with all amendments.
5. Consent Calendar
6. Questions
 - a. For Stan Nosek: Pricing on food items at Student Union

The person in Admin and Finance who oversees our contract with Chartwells immediately called the general manager, so we were in conversation with them. They said they agreed that the prices are unacceptable and were discussing the pricing and whether there are isolated outrageous prices items or it's overall. I do not know which one it is, but I know the donut thing is a problem that will be addressed.

Q: Does the university have any leverage over the prices?

A: Yes. Typically, in these contracts, there's a percentage returned to the campus, and we will look at that. They also want to keep this contract with us, especially since they know we went from another group to them.

The minutes were taken by Grace Barbieri on February 10, 2025, reviewed and accepted by Senate Chair Karthika Sasikumar on February 12, 2025, and approved by the Senate Executive Committee on March 3, 2025.