What Has Your Senate Done for You Lately?

By Lee Gilbert

Since the last issue of Senate Forum, an academic year has passed and a new one has begun. As is typical at the end of an academic year, Senate business picked up to a fever pace during the late part of the spring semester as committees cleared their agendas and forwarded their work to the Senate for action. Among the more significant actions taken by the Senate in its last few meetings of the spring were the approval of several new degree programs including the B.A. in European Studies, which had one of the longest gestation periods in the history of the university. Work on that proposal had begun in the early 1990s as a revision of the existing B.A. in Russian and Eastern European Studies. Demonstrating once again, however, that the university moves with all glacial speed, the ambitious assumption of the program committee that the revisions could be fast-tracked proved to be dramatically naïve. In addition to the degree in European Studies, the Senate also approved the B.S in Computer Engineering, the M.S. in Software Engineering, and a concentration in Women’s Health Care in the M.S. in Nursing.

On the policy side of things, where gestation periods can also border on the absurd, the Senate finally passed an Electronic Mail Policy, which had been in the works for the better part of a year and a half. At the request of a number of senators and other faculty, the Senate also spent a good deal of time at the year-end marathon meeting discussing a recently enacted library policy that placed limitations on the number of books faculty may have checked out at any one time, how many inter-library loan requests they can make in an academic year, and that also established a requirement that faculty physically return all books to the library once a year for renewal. A series of colleagues expressed serious concerns about some of the provisions of the policy, and the Senate referred the matter to the Library Committee for further review during the current semester.

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Over the summer, the Executive Committee, acting on behalf of the Senate, met a total of six times. At the first meeting, we received a request to approve a post-baccalaureate certificate in Postsecondary Reading and Learning to be offered by the Reading Department through University Extended Education. The proposed certificate had been reviewed and approved by the Graduate Education Committee at its last meeting of the spring semester, but had not yet been seen by the Priorities, Resources, and Budget Committee (PRBC). Although the Executive Committee has the authority to act on behalf of the Senate and its committees during the summer, we did not think that something as major as a certificate program should be approved without full Senate review, so the certificate program will be an item of business on the first agenda of PRBC this fall. Pending PRBC approval, it will be on the Senate agenda in early fall.

During the early part of the summer, the Senate Executive Committee worked together with Academic Affairs to plan the Academic Affairs/Academic Senate Retreat held August 19th. We are still getting feedback from the colleagues who facilitated the breakout sessions, but two issues have already crystallized as likely candidates for Senate action this year:

- Review of UPS 210.060 Personnel Policy for Part-Time Lecturers in view of the increasing entitlements provided them in the MOU. At issue here is the question of to what extent the criteria and standards for their evaluation may need to be changed.
- Review of UPS 210.000 relative to whether more recognition needs to be accorded to grant activities in the category of Scholarly and Creative Activity.

In July the Executive Committee met with Assistant Vice President Sylvia Alva to discuss establishing a working group to address the Chancellor’s Office mandate that each campus develop plans and strategies to facilitate transfer and completion of degree. Work on that is continuing and a system-wide CSU Conference on Facilitating Transfer and Degree Completing will be held in December. Campus teams of up to 12 members will attend.

At the end of July, the committee met with Bill Barrett to get an update on what was being done to mitigate parking problems this fall and with Executive Vice President Judith Anderson for a status report on El Toro and a first look at a potential master plan for the El Toro campus. The results of those meetings were reflected in the August 28th Senate agenda.

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 Senate Forum

The Senate Forum is a publication of the Academic Senate at California State University, Fullerton. It is designed to stimulate discussion, debate, and understanding of a variety of important issues that the Senate addresses. Individuals are encouraged to respond to the materials contained in the Forum or to submit their own contributions.

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Lee Gilbert, Modern Languages & Literatures and Chair of the Academic Senate
Dana Loewy, Business Communication
Sandra Sutphen, Political Science and Director of the Faculty Development Center
Throughout the entire summer, the Executive Committee spent at least a portion of each meeting filling vacant slots on the Senate’s various standing committees and a wide variety of other boards. I must tell you that this task has been increasingly difficult over the past few years, and this summer was no exception. I cannot recall ever having so many colleagues turn us down when asked if they would be willing to serve on this or that committee. This includes not only a growing number of our junior colleagues, whose participation is critical to the continued vitality of collegial governance as we have traditionally known it on our campus, but a number of senior colleagues as well, including many who have given the university stellar service throughout their careers. Our break-out sessions on governance issues at the Academic Senate/ Academic Affairs Retreat provided no ready answers to this problem, but it is one that all of us who cherish shared governance on this campus need to solve.

Lee Gilbert came to CSUF in the fall of 1970. He has served in a variety of capacities including chair of the Department of Modern Languages & Literatures and Associate Dean for Student Academic Affairs in H&SS. This is Dr. Gilbert’s second year as chair of the Academic Senate.

Why the Campus Community Should Be Concerned about the USA Patriot Act

By Suellen Cox

It is the USA Patriot Act: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. This legislation was hastily passed after one day of Congressional hearings and signed into law on October 26, 2001 in response to the terrorist attacks of September 11th. It amends more than fifteen different statutes, including those dealing with wiretaps, immigration, and money-laundering. Furthermore, it gives law enforcement greater authority to conduct searches and applies to every business, organization, association, university, library, and individual. According to Bart Kosko writing in the Los Angeles Times, “We traded many civil liberties for increased police powers when President Bush signed the USA Patriot Act” (December 2, 2001, p. M 5).

Implications for Individual Citizens

Critics of the USA Patriot Act insist that the implications for the civil liberties of individual citizens and non-citizens are extensive. For example, the USA Patriot Act expands the reach of federal authorities, making it easier to obtain search and surveillance warrants from the court and extending the period such warrants can remain in effect. Not only does it extend the government’s ability to carry out electronic and physical surveillance against

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suspected terrorists, but the Act also expands law enforcement’s power to monitor individual Americans’ Internet communication (including e-mail), as well as cell phone and telephone conversations. Authorities can conduct “secret searches” of a suspect’s residence, including computer files. No evidence or suspicion of terrorism is required for monitoring or searching.

Supporters of the Patriot Act assert that it has removed key barriers that have prevented law enforcement and intelligence-gathering agencies from sharing important information and coordinating their activities. Additionally, it updates surveillance laws to include current technologies such as cell phones and the Internet.

Implications for Libraries, Bookstores, and Patrons
The Patriot Act amends the 1978 Foreign Intelligence Surveillance Act (FISA). FISA created courts that were responsible for reviewing applications for domestic wiretaps and searches. Section 215 of the Patriot Act expands the ability of law enforcement authorities such as police and the FBI to monitor secretly and investigate library and business records; authorities are not required to prove that there is “probable cause” to believe that the patron or customer whose records are being sought has committed a crime.

In terms of libraries, for example, the FBI can ask to see patron records showing the books, videos, or other materials that a patron has borrowed. Further, armed with a search warrant, law enforcement authorities can demand that libraries turn over circulation records and patron registration information. A library and its employees can, however, seek legal advice concerning the warrant and request that the library’s legal counsel be present during the actual search. Section 215 also allows federal authorities armed with a search warrant to enter libraries and track patrons’ navigation of web sites on library computers and monitor e-mail. Under these circumstances,

“Libraries and librarians have been particularly outspoken in their opposition to provisions in the USA Patriot Act…”

library employees are prohibited (under a gag order) from informing patrons that such surveillance is occurring. Most states have laws requiring that libraries protect the privacy of library patrons. The Patriot Act overrides state laws.

When presented with a search warrant, bookstores are also under a mandate to provide the records of books or other materials purchased by customers, and likewise, booksellers are prohibited from revealing to customers that bookstore employees and owners have been ordered to produce such records.

Concerns and Congressional Action
Libraries and librarians have been particularly outspoken in their opposition to provisions in the USA Patriot Act, particularly section 215, which is believed to infringe on the rights of library users. In January 2003, the American Library Association (ALA) passed a resolution opposing “any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry” (http://www.ala.org). ALA has also advised members to take steps to make themselves more subpoena-proof, including “scrubbing” or eliminating patron check out records. In September 2003, The International Federation of Library Associations (IFLA) issued a resolution stating in part that, “IFLA deplores the introduction by a number of countries of legislation which violates fundamental human rights to privacy and unhampered access to information in the name of national
security, and calls for the repeal or amendment of all such legislation in order to protect these rights…” (http://ifla.org/).

More than 167 towns, cities and municipalities have enacted ordinances condemning the Patriot Act, including Philadelphia, Minneapolis, Seattle, and San Francisco. Three state legislatures—Alaska, Hawaii, and Vermont—have passed resolutions opposing provisions of the Patriot Act.

In terms of congressional action, on March 6, 2003, Vermont Congressman Bernie Sanders introduced a bill into the House of Representatives to repeal Section 215. His proposed “Freedom to Read Protection Act of 2003” (H.R. 1157) amends the FISA to exempt libraries and bookstores from orders requiring the production of any tangible items—patrons’ borrowing records, computer and Internet usage, purchases of printed or digital materials—for certain foreign intelligence investigations. Congressman Sanders stated, “One of the cornerstones of our democracy is the right of Americans to criticize their government, and to read printed materials without fear of government monitoring and intrusion” (Congressional Record, March 12, 2003). There were 62 co-sponsors of this bill. It was referred to the Committee on the Judiciary and to the Committee on Intelligence. H.R. 1157 is endorsed by the 64,000 member American Library Association (ALA), the American Booksellers Association, 32 groups representing various publishing-related organizations, and many newspapers, including the Los Angeles Times. Action is pending on this bill.

Other congressional efforts include “The Library, Bookseller, and Personal Records Privacy Act” (S. 1507) sponsored by Wisconsin Senator Russell Feingold. This amendment to the Patriot Act would “protect the privacy of law-abiding Americans by limiting the government’s access to library, bookseller, medical, and other sensitive personal records” and require the FBI to “set forth a factual, individualized showing that the information sought pertains to a suspected terrorist or spy” (Congressional Record, July 31, 2003). In July, Alaska Senator Lisa Murkowski and Oregon Senator Ron Wyden introduced the “Protecting the Rights of Individuals Act (S. 1552), a bipartisan bill that would amend certain provisions of the Patriot Act, including Section 215. This bill was referred to the Committee on the Judiciary. In May 2003 California Senator Barbara Boxer introduced similar legislation to Sanders’ bill, the “Library and Bookseller Protection Act” (S. 1158), which would exempt libraries and bookstores from producing certain patron and customer records, and limit counterintelligence access during foreign intelligence investigations. According to an e-mail sent to her constituents, Boxer explains that the legislation would “restore former law requiring any search to be conducted with a specific warrant tied to a specific suspect.” The bill has been referred to the Senate Judiciary Committee.

In September 2003, Attorney General John Ashcroft embarked on a U.S. tour to enlist support for the USA Patriot Act and more extensive means to fight terrorism. According to a September 15, 2003 New York Times article, Ashcroft mocked, condemned, and “accused the country’s biggest library association [ALA] and other critics of fueling baseless hysteria about the government’s ability to pry into the public’s reading habits” (p. A 23).

In a September 15th statement, ALA President Carl Hayden responded openly to Ashcroft’s accusations stating “We are deeply concerned that the Attorney General should be so openly contemptuous of those who seek to defend our Constitution. Rather than ask the nation’s librarians and Americans nationwide to “just trust him,” Ashcroft could allay concerns by releasing aggregate information about...

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the number of libraries visited using the expanded powers created by the USA PATRIOT Act” (http://www.ala.org).

For More Information

If you would like to read more on the USA Patriot Act and the assault on civil liberties, visit your local library or bookstore and check out the following titles: The War on Our Freedoms: Civil Liberties in an Age of Terrorism edited by Richard C. Leone and Greg Anrig Jr., The War on the Bill of Rights by Nat Hentoff, Lost Liberties: Ashcroft and the Assault on Personal Freedom edited by Cynthia Brown, and Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism by David Cole.

Suellen Cox is Head of Instruction and Information Services at the Pollak Library. Prior to this appointment, she was Library Instruction Coordinator for six years. Currently, Ms. Cox is an elected member of the Academic Senate and serves on the Faculty Research Committee.

Cultural Corner

Barriers

The man in the elevator moves away briskly when I enter a safe distance between us now his face setting up barriers, but laughter underneath, a smile on his lips his eyes asking what is a safe distance from the heart.

- Walter Hettich

Walter Hettich has been teaching in the Department of Economics since 1984.
Grants & Contracts: Moving CSUF Out of the Cellar

By Kolf Jayaweera and Barry Pasternack

We begin by stating categorically that receipt of grants in general is not a requirement for the campus RTP process and that it may not be needed for faculty to perform and excel in productive scholarly and creative activities. However, the University receives state funding only for instruction, not for scholarly and creative activities (SCA). Hence, for faculty involved in SCA requiring resources (e.g., lab equipment, travel, etc.) it may be essential that external grants and contracts be obtained. The University’s role is to encourage faculty to seek external funds and to facilitate the faculty’s work during all stages. At this time, on a per faculty member basis, CSU Fullerton ranks last among the campuses in the CSU system in terms of contract and grant funding. The purpose of this paper is to identify ways to improve our performance in this area.

Organizational Impediments
Currently the campus is organized in such a way that it separates the pre-award and post-award functions. The pre-award function is administered by the Office of Grants and Contracts and is primarily supported by the State. The director of Grants and Contracts reports to the Vice President for Academic Affairs. The CSUF Foundation, an auxiliary of the university, administers the post-award functions. It is worth noting that of the three major operational components of the Foundation—food service, bookstore, and grants management—the latter is a very small operation financially. Although the grants and contracts component is relatively small, it is an area for which the Foundation can gain the greatest relative financial impact. For example, while the Foundation could increase “profits” by raising prices at the bookstore or at the dining facilities it runs on campus, such actions would run counter to its mission to serve the campus community. Hence, there are obvious limits to profit generation in these two areas; however, no such limitation exists in grants and contracts. Therefore, it appears to us that there should be a great incentive on the part of the Foundation to support Grants and Contracts activities.

New Policy Statement Needed
Complicating matters somewhat is the fact that certain grant proposals do not go through the Office of Grants and Contracts (OGC), but rather through University Advancement (UA). In many cases faculty may not be aware of which organization should be used or whom to contact when working on a grant proposal. A Memorandum of Understanding clarifying the roles of UA and OGC was issued by Vice President for Academic Affairs Smith and interim Vice President for Advancement Hagan. This document is the current operating document, but we may want to revisit it in light of the fact that we have a new VP for Advancement. However, until a new policy document is generated, the campus is bound by this existing policy.

“"We believe the primary way CSUF can increase grant/contract activities is by providing incentives for faculty to seek external grants and contracts.”

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Kolf Jayaweera has been the Dean of the College of Natural Sciences and Mathematics and a professor in the Department of Physics since arriving at CSUF in 1990. He is a member of the CSUF Foundation Board of Directors and the Desert Studies Consortium Board of Governors.

Jayaweera has numerous publications on his research in cloud physics and is an active member of the American Geophysical Union and Sigma Xi honor society.
Specific Recommendations to Increase Grant/Contract Activities

We believe that a primary way CSUF can increase grant/contract activities is by providing incentives for faculty to seek external grants and contacts. Additionally, the university must change its policies and procedures to ensure greater support to grant/contract activities. We propose the following in this regard:

■ Reorganize the CSUF Foundation to give greater prominence to grant and contract activity. Ensure that adequate funds are provided for such activities so that support is not a barrier to faculty success in these endeavors. Ensure that both the Foundation and the OGC work together to develop strategies to provide incentives to faculty to seek external funds for research.

■ Investigate through a faculty survey the reasons why—or why not—faculty members send their grant proposals through the Foundation. If they do not, identify the reasons and correct them.

■ Develop a roster of grant writers and place one or two experienced grant writers on retainer in the OGC to assist in preparing multi-investigator and multi-disciplinary grant proposals.

■ View proposal writing as an investment and support faculty for grant writing by providing release time, equipment, etc. A fund should be established to support grant writing in the CSUF Foundation.

■ Establish a university-wide program to provide seed money to support faculty who are not active in grant writing or who would want to change their field of research in order to initiate new research programs. Use a portion of mini-grant funds as seed money for grant/proposal writing to do this.

■ Provide credit towards RTP for grant proposal writing.

■ Provide faculty with very clear directions on the role and function of the CSUF Foundation and University Advancement Foundation.

Given the overwhelming support that increased grant/contract activity attracted at the Faculty Forum held in August, we are optimistic that these suggestions can form the basis for accomplishing this goal.

Barry Pasternack is a long-time member of the CSUF Academic Senate and a campus representative to the Statewide Academic Senate. He is currently chair of the Department of Information Systems and Decision Sciences.
Response to Jayaweera & Pasternack: Reorganization Is Essential

By Enid Gruber

Drs. Jayaweera and Pasternack address incentives and mechanisms to increase external grant activity by CSUF faculty. Given my recent experience with securing and administering external support from NICHHD, I concur with their principal suggestion calling for a reorganization of the CSUF Foundation to elevate the priority of grant and contract activity.

The separation of pre-award and post-award functions already hampers the efforts of potential grant seekers and seasoned researchers. This fundamental lack of continuity causes grant writers to feel isolated and makes it difficult to learn from grant writing failures. Faculty researchers need fiscal and assigned time support as well as access to experienced mentors to navigate the often-difficult grant writing and review process. Although seed money for grant writing is offered by the Faculty Development Center through small competitive intramural awards, applicants need to receive editorial feedback when their work is rejected and be appraised of necessary support at Grants and Contracts, the Foundation, and the Institutional Review Board. The present lack of centralization and service integration is very discouraging to inexperienced and experienced faculty alike.

Our faculty and administration share a belief in the significant contribution that research activity makes to campus life and educational practice. The Foundation was designed to serve this essential purpose. The time, labor, and intellectual effort involved in external grant activity deserve to be acknowledged through credit towards RTP and greater access to resources and mentoring if we are to advance from last place and retain creative researchers on our faculty.

Enid Gruber joined the CSUF faculty in 2000. She is also the director an NICHHD-funded research program conducted in collaboration with the Prevention Research Center in Berkeley. Results from the project will provide important information to help guide policy and prevention efforts to reduce adolescent pregnancy, sexually transmitted infections, and related problems. She has published work on adolescent sexuality, risk of school failure, alcohol use, delinquency, and comparative risk behavior.

Response to Jayaweera & Pasternack: Incentives and Disincentives for the Faculty PI

By Jane Hall and Steve Murray

Dean Jayaweera and Professor Pasternack focus on a significant issue—the need to improve our ability to encourage and facilitate grant and contract activity. They offer several good suggestions, but do not go far enough. They recognize the need for incentives for grant writing and the need to improve the IRB process, but do not discuss what happens after the good news arrives and a principal investigator (PI) enters the “post-award” phase. We believe that this needs significant attention.

Incentives First

We agree that more effective incentives are needed and would argue that incentives for untenured faculty should come first. A powerful incentive for untenured faculty is to
receive credit in the RTP process for grant activity, both successful and unsuccessful. Some departments recognize this and give some credit for trying and more for succeeding. We believe that it is especially important that untenured faculty be given every incentive to become successful grant writers in their early years. Success leads to more success and it is unlikely that faculty already tenured or promoted to professor will become successful without a history of grant achievement.

We agree that more university support for grant writing is needed. To achieve more grant and contract activity, faculty must be supported, both with lighter teaching loads and effective mentoring by senior faculty in their fields successfully written grants. This kind of mentoring is particularly important for untenured faculty and includes not only advice on how to structure and persuasively describe a research plan and to work through grant “boilerplates,” but also encouragement to resubmit, rewrite, and try again when the inevitable rejections arrive. We doubt that one or two faculty members commissioned by the Office of Grants and Contracts (OGC) will accomplish these objectives and see this as a college- or department-based task.

Now for Existing Disincentives
We have both gone home and told our respective spouses that we have some good and bad news: “The grant was funded.” Why bad news? Because the disconnect between pre-award and post-award is serious (and probably exacerbated by a system in which not all proposals go through one office) and grant management has become increasingly painful for the PI. What do we mean by a disconnect? After the campus receives official notice that a grant or contract has been awarded, the action moves from OGC to the Foundation. There, it is managed by staff who have not seen the proposal, who often do not understand the nature of the work, and who did not craft the budget. Sometimes contracts go missing causing delays in starting the work, even though the clock is ticking. Graduate student hourly rates and other grant provisions approved by the granting agency (and the department, dean, OGC, etc.) are sometimes found to be a problem by the Foundation.

What about Grant Management?
A large list of potential problems awaits the successful PI. Post-award reporting requirements have increased, a burden that at CSUF has mostly been transferred to PIs. Some reporting provisions are more restrictive than those required by the granting agency. Foundation accounting ledgers frequently don’t match grant budget categories, requiring PIs to do most of their own accounting. Both of us have commonly received queries about accounting details directly from granting agencies because of confusion regarding where such inquiries should be sent. Last year, the two of us took these and other issues to Bill Dickerson and Pearl Cheng, who we believe recognize many of these problems and have made attempts to rectify them where possible. However, fully solving these problems will require diverting limited Foundation resources from other Foundation priorities.

Jane Hall is Professor of Economics. In 1998-2000 she served as Chair of the Academic Senate. She was named CSUF’s Outstanding Professor for 2000-2001, and she received the CSU Wang award in 2001. She is a member of the National Academies of Science Committee on Air Quality Management and has received more than $1.4 in research funding.
How Would We Fix This?
First, the campus community needs to keep talking and find ways to encourage grant activity and remove obstacles from our grant and contract processes. Second, we need to dedicate more campus resources to both our pre- and post-award offices, at least until we rise above the bottom rank in successful pursuit of grants and contracts. Third, we need better coordination between OGC and the Foundation to create a more seamless transition between pre- and post-award activities. We are afraid that failure to move forward in a serious attempt to fix these problems will continue to doom the externally-funded campus research enterprise to mediocrity.

Finally, the campus needs to recognize that research—and graduate study—are central to our overall educational mission, and require more attention. Focus now is on getting research funds, not on what those funds enable us to do, which is to extend knowledge and train undergraduate and graduate students. We believe we need to enlarge this discussion beyond the goal of obtaining more external funding. We need to also find more and better ways to advance our ultimate objective of encouraging research and scholarly activity.

Younger Faculty on the Academic Senate:
One Senator’s Experience

By Scott Hewitt

The Editorial Board asked one of the younger members of the Senate to share his perspective about serving on the Senate. Our queries and his answers follow.

How would you describe yourself to others on campus?
This is my thirteenth year as a faculty member in the Department of Chemistry and Biochemistry and my fourth year on the Academic Senate. I also chair the Faculty Research Committee. Like most of my faculty colleagues, I have a multitude of commitments. This semester, I’m working on three atmospheric chemistry manuscripts and two grant proposals, teaching two classes, serving on four committees, mentoring 12 research students, one postdoc, and one research associate.

Many of my colleagues told me it was a waste of time for a younger faculty member, who should be focusing on establishing and building...
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his/her research program, to be on the Academic Senate. In addition, I’m always overloaded with work. However, one of my mentors, John Olmsted, convinced me that it was important to serve on the Academic Senate and that I might actually like it. (John received the Cal State Fullerton Faculty Leadership in Collegial Governance Award last year, in part for his participation on the Academic Senate). John even got all of the signatures on the petition so that my name would be placed on the ballot.

Have you enjoyed serving on the Senate?
Yes, for several reasons. Being on the Academic Senate offers one the following benefits:

- stay informed about what is happening across the campus
- make a positive impact at the university-wide level
- hear a wide range of invigorating opinions and stimulating repartee
- meet faculty from other colleges, and
- experience the camaraderie that emerges from being part of a large group of committed faculty.

In addition, academic senators are given passes so that they can attend Cal State Fullerton sporting events for free. They are also invited to President Gordon’s annual barbecue party, which is the best Cal State Fullerton social event that I’ve attended.

What should younger faculty know about the Academic Senate?
I have been especially impressed by the senior academic senators. They have many years of experience on the Academic Senate, provide considerable useful information and perspectives, and are our most effective academic senators. However, they are close to retirement, and there are few younger faculty now on the Academic Senate. If this trend continues, the Academic Senate will become less effective due to the loss of knowledgeable and experienced academic senators. Consequently, I encourage other younger faculty to get involved and make a difference. I also hope that present and former academic senators will encourage their younger colleagues to participate in the Academic Senate.

Scott Hewitt is a professor of chemistry. He and his research students use lasers, mass spectrometers, chromatographs, and infrared spectrometers to study atmospheric chemistry. He is an avid Titan baseball fan and mountain ultrarunner.