FACULTY AFFAIRS COMMITTEE MINUTES
submitted by Karen Davis
(Susan Gubernat revised committee resolutions per committee discussion)
Wednesday, 4 November 2015 11:00-6:00
Long Beach (Anacapa)
Present: Foroohar, Gubernat, Davis, Ornatowski, Kensinger, Sabalius, Norman, Swenson, Pasternack, Van Cleve (CO)
Absent: Roberts

1. Approval of Agenda: approved/ seconded
2. Approval of Minutes: Approved/seconded
3. Member Announcements
   Several campuses are looking for HR Directors - concerns about faculty rights were discussed: what exactly does the job of HR Director entail? What exactly is the role of HR in new searches - multiple campus concerns expressed about administrative over-reach and lack of transparency in hiring determinations (ie Academic Affairs on at least 2 campuses are "meddling"/destroying new hire searches)
   Discussion: is this intervention being done in the name of 'diversity'? - and if the EEO has signed off then what's the reason for interference? No, on one campus the 'pool' was already quite diverse

4. Reports
   a. Chair’s Report – Foroohar
      Chair Foroohar report from Extended Exec: Sustainable Finance Committee report s/b out today to send to BOT next week; UPDATE from Plenary floor Friday morning: Chair Filling announced a memo was received indicating that more feedback is being solicited on the draft report and so it will not be sent at this time to the BOT.
      Chair report cont'd: KYZ will include ASCSU in legislative advocacy efforts; CFA chose not to participate with CSU at this time

      Academic Freedom: Chair Filling met w Loren Blanchard - where are they on drafting the new policy? Nothing yet - more postponement - no task force yet formed - so how are they 'working on it'? Comment: can we ask Chair Filling to invite General Counsel Fram to upcoming plenary?

      Filling went to Shane Frehlich memorial - money is being collected for his children's scholarship fund - this is a long term need for the kids - let's keep this on the front burner

      From committees: AA 2 resolutions: faculty role in evaluation of transfer credit for online courses
      Also: issue of open presidential searches; APEP: no resolutions currently; FGA: will work on analyzing how many of their 2015 leg priority bills were passed, and will work on 2016 legislative calendar. FGA discussing a possible orientation on how to effectively advocate for CSU during Jan plenary; FAC: discussion on CSU policy on intellectual property - background: 2003 there was an ASCSU task force and report - members were all faculty - a comprehensive report was produced. Now: a new working group in CO was created to draft a policy; Foroohar invited the co-chairs of this group (no faculty are on the working group). Working group representatives will attend FAC today.

      Further Chair reporting: Chancellor White has had little time to meet with ASCSU Exec (i.e. brief meetings just for agenda setting; little/no additional time) Discussion: this indicates further erosion of shared governance.

      Additional reports:
      Norman: brief report on campus climate survey; it is going to Institutional Review Board at Long Beach - current draft is in Dropbox (October); modifications are being made to fine-tune questions on micro aggression; report will probably go out in January. Subsequent committee comments on some of the draft questions that refer to 'angry facial expressions', 'dirty looks' - 'cutting off another person while speaking' 'talking behind someone's back' 'making angry gestures' 'using hostile body language' 'if a person avoids you' etc…. in terms of whether these questions may be gender biased or culturally biased. Comment: the
survey gives us a global sense of what it's like to be an employee and whether or not there's indication of a hostile work environment. Question: how anonymous will this be? Answer: It separates gender, faculty or staff, and is trackable by campus -- department level is too granular; overall it's anonymous; Questions raised by committee: what will be the impact on faculty e.g. will we need to do another online training module? Does this create a chilling effect across the system and is this questionnaire to be utilized toward implementation of 'civility' codes?

b. Chancellor’s Office Liaison, Leo VanCleve
Not much to report other than Intellectual Property, which will be addressed by upcoming committee guests Zed Mason et al. Academic Freedom: there have been few more mtgs with EVC Loren Blanchard on this subject - the hope is to have a draft or statement by January plenary to discuss with ASCSU, hopefully to have a new policy in place by May; CSU General Consul agrees some changes are needed, gender pronouns etc - conversation has been going on in the CO; there are staff working on this issue but no working group or committee has been formed.

FAC Comment: ASCSU has asked for faculty involvement at the ground level so that we are not just reacting or responding to a draft; it appears that work is being done without faculty directly engaged in the conception of the new policy
Response: what is being generated are suggestions not a fully formed revised draft or policy.
FAC Question: can a CO staffperson join us on the Dec interim FAC call?

c. Zed Mason, Interim Assistant Vice Chancellor, Research Initiatives and Partnership, and Jennifer Glad, University Counsel (Co-chairs of work group on Intellectual Property) and AVC for Labor Relations John Swarbrick (time certain: 1:30)
Swarbrick: within the CBA Article 39 concerns intellectual property; that language is already settled for 2017 but it needs to be bargained, and because of this fact, it's between CFA and CSU - any changes need to be negotiated at the bargaining table. Nonetheless, as it is, multiple campuses have their own policies so within that context, an administrative group was formed to look at this issue but it's just a start - ultimately it's up to bargaining

Glad: to include faculty members in the working group 'steps on the toes' of CFA and the bargaining process - there are contractual limitations

FAC Question: in 2003 ASCSU put together a task force and wrote a report on IP. Faculty are concerned because an IP policy has major implications on academic freedom which is within the purview of ASCSU

Mason: there is no system-wide policy with regard to IP; Beth's 'policy' was just recommendation/advisory. At that time CSU was aware that some campuses had no IP policy at all - the intent is to incentivize faculty students and staff; the document will be a draft for comment by ASCSU and then to go to bargaining

Glad: due to inconsistencies on IP policy from campus to campus it's hard to reconcile all these variables - how can we make it easier for all faculty - what are some of the unique or common problems we are seeing? CO will be asked to fund this important research to gather the data.

FAC question: will the IP policy come before ASCSU before it goes to bargaining?

FAC concern: ASCSU are being brought in much too late in the process of policy formation.

FAC Question: will these guidelines supersede campus policy?

Mason: no it will be a set of recommendations/suggestions and a draft policy esp. for those campuses which have no policies - establishing a common denominator - lots of information has been collated already - and at this point they don't have a document they can give us - they were charged with a deadline they may not be able to meet.
FAC Question: at what point will ASCSU and/or FAC be able to see it?

Swarbrick: CO working group feels it needs to be an administrative process, internal process, before they produce a system-wide document or recommendations for faculty review.

Glad: once these recommendations go through all the processes, at that point, 'additional feedback' will be solicited

FAC concern: HEERA language mandates shared governance - perhaps our current modus operandi of 'shared leadership' does not

Glad: the goal would be to have a unified policy for the system

FAC comment: we the ASCSU are system wide faculty reps, duly elected, not merely local campus reps - and so we share the same system wide lens as CO

Mason: will ask leadership if there could be a 'pivot point' to include faculty representatives at this point; it is distressing to hear ASCSU may be reactive w/o asking first: is policy good for faculty's benefit - hopefully we can move it forward in a collaborative consultative way

Mason: shared information that there has been an Institutional Review Board (IRB) violation re Title 9 sexual prevention training -- (Title 9 mandates sexual violence prevention training). CO came up w 3 vendors - one vendor's training module was rolled out 9 campuses - students on 5 campuses had mandatory holds if they didn't take the program. Unbeknownst to CSU there was a research component embedded in the roll-out (a Pre and Post survey managed by Univ. of Illinois/Chicago Circle campus) and there was a 79000 student record data breach. CSU was notified of this data breach in September; had CSU known about it before the roll-out, CSU would have reviewed the U of Illinois protocol in accord w our Human Subjects policies. When the breach was uncovered, an ethical standards violation was filed on one of the campuses (alleging CSU violated federal - and - its own campus based assurance policies. Mason has set up a review on each campus to see if we were in violation of Federal or internal IRB policies. CSU has taken the appropriate federal stance and is now undergoing an investigation. Mason believes CSU was an 'innocent victim'.

d. Assistant Vice-Chancellor, HR: Margie Merryfield (time certain: 2:30)

FAC question: re: CSU background check policy - any new changes/developments in revising the policy?

Merryfield has spoken to VC Lori Lamb on this - (Merryfield wasn't involved in the writing phase but is involved in implementation on campuses); her focus was on making sure our definition of 'continuing employees' (e.g. lecturers and/or returning FERP faculty) would preclude repeated background checks; this policy is complex and there are challenges; there's already been a webcast Q&A for campus managers; CO not want campuses to over-implement the policy; just today she received 24 pages of responses to Q&A - things were "chaotic" several months ago - less so now; only a few adverse actions in which campuses disqualified anyone on the basis of bg check; Merryfield says they want to see how it rolls out; she's sure changes to the policy will occur over time; currently Lamb/Merryfield have no intention of rescinding it but they do want to collect feedback from campuses to help them make good decisions that are not overly restrictive - also: bg checks are fairly common - she's put out inquiries around the country - and on campuses that already have background checks - she was at a national conference recently and 4 of 5 universities at her dinner table already had bg check policies in place

FAC Question: what was wrong w the 2005 policy? A: it was just for certain positions and now is general for all employees - also note that in the document/policy there is a place for a candidate to explain their circumstances if they are turned down

FAC Question: why a policy now?
FAC Comment: Also: on SLO's children's center - the staff is bg checked but parent volunteers who read to the kids or cook now must be bg checked and fingerprinted - it's a major problem - volunteers wont come -
also - faculty who have student researchers: now students must be bg checked and at approx $100/person
for a bg check adds up
FAC Question: what about credit checks for dept chairs?

Response: some campuses have gone 'a little overboard' - each campus must ask "is this an appropriate
level of scrutiny"? Also: child center volunteers should be screened -- what do public schools do? Should
be 'common sense' based - Lamb wants to see how the policy rolls out and what its impacts are over the
next year or so

FAC Question: Can we offer Shane Frehlich's wife access (for her children) to the fee waiver program?
FAC question: does the hiring data/bg check info go beyond the campus?
Response: the data stays on campus - records must be kept confidential - records never enter the personnel
file - they remain at HR

FAC Question/Comment: if a candidate fails bg check - what happens? Hiring committee will never know
why the job wasn't given to the selected candidate - could be salary rejection or any other reason but data is
confidential in HR

FAC Question: what about the costs of the bg checks for student assistants?
Response: generally students are exempt from bg checks except if students have access to confidential
patient records, etc

Response: we are in the 'bump and tumble' phase of implementing a new background check policy - we
need to continue to work on education - she is more than happy to have a task force w ASCSU folks to
consider the "real" things to be address, fact based, not just hearsay - she acknowledges the policy needs to
be 'tweaked', but not inclined to suspend it till there's more experience with it - a task force will take time
and the safety of all stakeholders is paramount - we need not to overreact

FAC Question: this policy was implemented in August when faculty weren't back on campus, ASCSU and
administrators were blindsided by it, new searches had been started with no reference to new background
generally students are exempt from bg checks except if students have access to confidential
checks - why this timing?

Response: the policy had been in circulation for 2.5 years; CFA had no problems with it, so why the
'surprise'? The August introduction of this policy was also thoughtfully considered in terms of when all
searches were already complete or not yet started

FAC Comment: not all the FA committee supports this resolution
FAC Question: can the CO, at least twice a year, to go over the calendar of policy issues in the pipeline
with ASCSU?
Response: happy to do so, even more often than twice a year

FAC Comment: IP policy, background check policy are integrally connected to academic freedom and that
is the ASCSU purview
e. CFA Liaison, Jen Eagan (time certain: 3:00)
- Strike vote 94.4%
- CFA has zero objection to suspension of background check policy; there's nothing in the CBA about
background checks - CO has been initiating policies without consulting CFA
- It seems we (CFA and ASCSU) may be being pitted against each other
-FAC Question: given the outcome of the strike vote: senior faculty members at SJSU would like to know
if can we give up the SSIs in favor of the 5% GSI across the board if push comes to shove? Full professors
can serve 25yrs in their range with only 2 or 3 opportunities for increases they are really stuck
- Response: CFA's first order of business is to move CSU off of 2%; CFA introduced 5% last May - CO
and BOT don't know how angry the faculty are - they want to stall till June when we go on summer break;
we need to ramp up pressure - we know Chancellor White doesn't like to see CFA's red shirts greeting him
- if he were moved to change his position, then he could move the BOT - he needs to know that his faculty are unhappy
- FAC Question: if it comes to a strike what is the time frame?
  Response: not likely to get fact-finder report till January, then we are legally permitted to strike in Spring
  FAC Question: won't a strike discourage new faculty from seeking jobs or accepting jobs at CSU?
- Response: our salaries are already the main deterrent to new faculty

f. Executive Committee liaison, Rob Collins (time certain: 3:30)
- Chair Filling would like to know how long FAC would like CO liaison(s) to remain at meetings
- Update: 21 out of 23 campuses passed open presidential search resolutions
- Math Council focus: equity in representation
- Exec is working on a best practices statement on shared governance - will be discussed in January
- Resolution upcoming on bullying - for January - to be drafted by Collins himself - he will confer with FAC on this and with Norman re: campus climate survey
Comment (Van Cleve): other committees have asked re: the role of liaisons - should there be a time certain? Other CO reps uncertain how they feel about shortening their stays with the committees - important that committee chairs clearly indicate how long a rep should stay (i.e provide a time certain)

5. Chancellor’s response to FA resolutions

N/A

6. Second Reading Resolutions
a. Suspension of CSU Background Check Policy (HR-2015-08), AS-3223
Resolution was amended/perfected and sent forward

b. Addition of an Emeritus/Emerita Faculty member to the CSU Board of Trustees, AS-3228
Resolution was amended/perfected and sent forward

7. New Resolutions
a. Shared Governance - Gubernat
Resolution was amended and sent forward for first reading

b. Including lecturers in orientation programs for new faculty- Davis
Resolution was amended and sent forward for first reading

8. Additional topics for discussion/possible action (these topics were deferred to December)
a. Revisiting the 1987 report on RSCA and requesting adequate funding- Ornatowski/Roberts
b. Revisiting CSU policy on intellectual property- impact on on-line courses
c. Open Access Policy
d. Textbook dispute at Cal State Fullerton
e. Faculty spotlight awards (reviewing new awards)
f. Local senate assigned time reduction

Meeting adjourned: 6pm