ACADEMIC PERSONNEL

SYSTEMWIDE

Audit Report 11-63
April 19, 2012

Members, Committee on Audit

Henry Mendoza, Chair
Steven M. Glazer  William Hauck
Glen O. Toney

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Senior Director: Michelle Schlack
Audit Managers: Michael Zachary and Wendee Shinsato
Senior Auditors: Ann Hough, Maureen Pasag, and Linda Rathfelder

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ABBREVIATIONS

AP Academic Personnel
CO Office of the Chancellor
CSU California State University
EO Executive Order
HR Human Resources
EXECUTIVE SUMMARY

As a result of a systemwide risk assessment conducted by the Office of the University Auditor during the last quarter of 2010, the Board of Trustees, at its January 2011 meeting, directed that Academic Personnel (AP) be reviewed. The Office of the University Auditor has never reviewed AP as a subject audit, although some aspects were covered in the Human Resources audits conducted in 2004.

We visited six campuses from August 22, 2011, through December 8, 2011, and audited the procedures in effect at that time. Campus-specific findings and recommendations have been discussed and reported individually.

Our study and evaluation revealed certain conditions that, in our opinion, could result in significant errors and irregularities if not corrected. Specifically, we found that systemwide policies in the areas of background checks and training for faculty employees needed clarification. These conditions, along with other weaknesses, are described in the executive summary and body of this report. In our opinion, except for the effect of the weaknesses described above, the operational and administrative controls for AP activities in effect as of December 8, 2011, taken as a whole, were sufficient to meet the objectives stated in the “Purpose” section of this report.

As a result of changing conditions and the degree of compliance with procedures, the effectiveness of controls changes over time. Specific limitations that may hinder the effectiveness of an otherwise adequate system of controls include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, and management overrides. Establishing controls that would prevent all these limitations would not be cost-effective; moreover, an audit may not always detect these limitations.

The following summary provides management with an overview of conditions requiring attention. Areas of review not mentioned in this section were found to be satisfactory. Numbers in brackets [ ] refer to page numbers in the report.

RECRUITMENT AND HIRING [5]

Systemwide policies for background checks needed clarification relating to the performance of background checks for faculty employees.

TRAINING [6]

Systemwide policies relating to sexual harassment training needed improvement. Specifically, some campuses had not identified and documented the academic personnel job categories or faculty positions that meet the definition of “supervisor” for sexual harassment training purposes. Additionally, systemwide policies for nondiscrimination, harassment, and basic safety training needed improvement. For example, campuses were not requiring faculty employees to complete these types of training because of concern over the potential need to negotiate such requirements with the faculty union.
INTRODUCTION

BACKGROUND

Management of academic personnel (AP) involves facilitating the recruitment, development, and retention of the academic workforce. AP includes faculty and academic student assistants in collective bargaining units three and eleven, as well as faculty management employees who are part of the management personnel plan. In the California State University (CSU) system, campus AP offices coordinate with human resources to perform activities that include, but are not limited to:

- Planning for the movement of AP into, within, and out of employment with the university.
- Recruiting and selecting faculty, student, and management AP with the appropriate skills, knowledge, and abilities.
- Training and developing faculty and faculty management to enhance their capabilities.
- Providing compensation and benefits that attract, motivate, and retain talented employees.
- Appraising and reporting on faculty, student, and management performance to identify areas that need improvement, and providing positive reinforcement for effective performance.
- Maintaining effective employee relations.
- Minimizing the risk of illness and injury in the workplace.

The CSU must comply with collective bargaining agreements, systemwide mandates, and Board of Trustee policies, as well as major federal and state laws that could affect the academic personnel function. Such laws include, but are not limited to, Title VII of the Civil Rights Act of 1964, the Political Reform Act of 1974, Assembly Bill 1825 (passed in 2004), and other state regulations addressing topics such as safety, harassment, and nondiscrimination in the workplace.

AP management relies on effective information management systems for operational efficiencies and controls; however, most of the information that AP management uses through these systems must remain private in accord with laws such as the Information Practices Act of 1977 and the Health Insurance Portability and Accountability Act of 1996, as well as the Board of Trustees’ policies for personal information management.

In fiscal year 2009/10, the CSU expended approximately $1.8 billion on instruction. This investment underscores the importance of maintaining a dynamic AP function that attracts, develops, and retains qualified personnel.
PURPOSE

Our overall audit objective was to ascertain the effectiveness of existing policies and procedures related to the administration of the academic personnel function and to determine the adequacy of controls over related processes to ensure compliance with relevant collective bargaining agreements, governmental regulations, Trustee policy, Office of the Chancellor directives, and campus procedures.

Within the overall audit objective, specific goals included determining whether:

- Administration and management of the AP function incorporates effective internal controls, adequate local policies and operational procedures, and current written delegations of authority.

- Processes and procedures ensure timely and effective communication of CSU and campus employment policies and federal and state employment laws and regulations.

- Employees are sufficiently apprised of acceptable business practices and expected standards of ethical and moral behavior, as well as the need to report conflict-of-interest situations.

- Faculty and management are sufficiently trained in the appropriate policies and procedures to support compliance with applicable state and federal laws and regulations regarding nondiscrimination and affirmative action, harassment, and safety.

- Recruitment, selection, hiring, and appointment activities are properly authorized, employment eligibility is verified, and compliance with state and federal laws and regulations and collective bargaining agreements is maintained.

- Professional licenses, certificates, and/or registration requirements for applicable employees are properly maintained.

- Procedures governing faculty evaluations and the review of sabbatical leave events conform with the collective bargaining agreement.

- Separations comply with existing laws and regulations and observe good business practices in accordance with CSU policy.

- Compensation and benefit requests and confidential hard-copy and system information, such as information pertaining to recruitment, selection, and hiring activities, are reasonably secure.
SCOPE AND METHODOLOGY

The proposed scope of the audit as presented in Attachment A, Audit Agenda Item 2 of the January 25 and 26, 2011, meeting of the Committee on Audit stated that AP includes activities involved in the recruitment, hiring, evaluation, and retention of employees directly involved with the academic operations of the CSU system and the individual campuses. Proposed audit scope would include, but was not limited to, review of recruitment and hiring processes for compliance with employment laws and regulations; evaluation of employees as required per collective bargaining agreements; administration of the family medical leave and other employee programs; and protection of sensitive and confidential information.

Our study and evaluation were conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* issued by the Institute of Internal Auditors and included the audit tests we considered necessary in determining whether operational and administrative controls are in place and operative. This review emphasized, but was not limited to, compliance with state and federal laws, Board of Trustee policies, and Office of the Chancellor and campus policies, letters, and directives. The audit focused on procedures in effect from July 1, 2009, through December 8, 2011.

We focused primarily on the internal administrative, compliance, and operations controls over academic personnel activities. Specifically, we reviewed and tested:

- Recruitment, selection, and hiring activities for academic employees, including training processes.
- Conflict-of-interest and employment eligibility forms and procedures.
- Maintenance and protection of confidential human resources information.
- Employee evaluations, sabbatical leaves, and separation procedures.
- Record retention and disposition.

During the course of the audit, we visited six campuses: East Bay, Humboldt, Long Beach, Northridge, San José, and San Marcos. We interviewed campus personnel and audited procedures in effect at the time of the audit.
OBSERVATIONS, RECOMMENDATIONS, AND MANAGEMENT RESPONSES

RECRUITMENT AND HIRING

Systemwide policies for background checks needed clarification.

We noted that Systemwide Human Resources (HR) Coded Memorandum 2005-10, developed in response to the 2004 Human Resources Audit to address background checks for applicants and university employees, indicates that each campus shall determine “sensitive” positions requiring background checks and includes a list of criteria to define such positions.

We further noted that although most campuses had developed background check policies as required by HR 2005-10, these policies often broadly exempted faculty employees, due to the belief that performance of background checks, and discipline or action based on the results of these checks, would not be applicable to faculty employees due to collective bargaining implications with the faculty union.

Coded Memorandum HR 2005-10, Background Checks, effective March 1, 2005, states that it is the campus’ responsibility to determine whether a position is a sensitive position that requires a background check. Such positions may include those that have responsibility for the care, safety and security of people, including children and minors, or property; access to detailed personally identifiable information about students, faculty, staff or alumni; or access to controlled substances.

The vice chancellor for systemwide human resources stated that although the 2005 policy on background checks applies to any employee in a “sensitive” position, campus presidents were delegated authority to determine which positions are sensitive and thus subject to background checks. She further stated that to the extent that campus background check policies require that current employees undergo checks, such policies are subject to collective bargaining meet-and-confer requirements, and that to date some campuses have classified faculty positions as “sensitive” in only very narrow circumstances.

Failure to perform background checks on all sensitive positions, including faculty positions, increases the risk of inappropriate personnel appointments and exposure to loss from inappropriate acts, and could potentially damage the reputation of the California State University (CSU) system.

Recommendation 1

We recommend that the chancellor’s office (CO) update HR 2005-10 to provide additional specificity as to which academic personnel job categories or faculty positions meet the criteria specified in HR 2005-10 for “sensitive” positions, and specify whether background checks should be required for these employees.

Management Response

Management agrees to revise and update HR 2005-10 as requested. The update will provide a core list of positions that are generally considered sensitive whether they are held by faculty or staff.
However, given differences in campus operations and missions, campuses will still be responsible for reviewing individual faculty or staff positions outside of the core list to determine whether additional positions should be classified as sensitive. Where impact bargaining is necessary, the implementation of this policy (and campus policies based on it) is contingent upon reaching agreement with appropriate labor unions.

We expect to complete the revision by September 2012.

**TRAINING**

**SEXUAL HARASSMENT TRAINING**

Systemwide policies relating to sexual harassment training needed improvement.

We noted that although campuses were providing sexual harassment training to individuals identified by the campus as supervisory employees, including department chairs, not all campuses had identified and documented the academic personnel job categories or faculty positions that meet the definition of “supervisor” for sexual harassment training purposes. Such positions could include faculty members overseeing student assistants, graduate teaching assistants, or research assistants.

HR 2005-35, *Sexual Harassment Mandatory Training*, dated August 26, 2005, states that sexual harassment training is now required for all CSU employees who have supervisory responsibility as a result of Assembly Bill 1825. A “supervisor” is defined to include any individual with the authority “to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if … the exercise of that authority … requires the use of independent judgment.” It is the responsibility of each campus to determine who meets the definition of “supervisor.”

The senior director of academic human resources stated that HR 2005-35 instructs campuses to define the term “supervisor” for the purpose of mandatory sexual harassment training according to the definition provided in the California Fair Employment and Housing Act. She also stated her belief that this definition is clear, although there may be an issue of campus interpretation or training.

Failure to clearly document which academic personnel job categories or faculty positions meet the definition of “supervisor” for sexual harassment training purposes increases the risk that mandatory training will not always be completed and that campuses will not be in compliance with state regulations.

**Recommendation 2**

We recommend that the CO provide guidance to campus personnel with responsibility for ensuring compliance with HR 2005-35 to ensure that all faculty with supervisory responsibilities receive the mandated training.
Management Response

Management agrees to issue a Technical Letter as follow-up to HR 2005-35 providing instructions to the campuses for implementation of this policy, including clarification of the supervisory responsibilities that trigger a legal requirement for training and other details as necessary. These letters are sent to campus senior leadership, as well as those individuals with responsibility for implementation. We plan to follow the Technical Letter with a webinar (“Tech Talk”) to explain the contents of the letter and answer questions from campus constituents.

Completion is anticipated by October 2012.

Nondiscrimination, Harassment, and Basic Safety Training

Systemwide policies for nondiscrimination, harassment, and basic safety training needed improvement.

Specifically, we noted that although systemwide policies required such training to be completed by all employees, campuses were exempting faculty employees due to collective bargaining implications with the faculty union. We further noted that the campuses generally offered training courses in these topics, but faculty employees were not required to attend.

Executive Order (EO) 883, Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs, dated October 31, 2003, states that the president or his/her designee at each campus shall be responsible for the development and implementation of that campus’ nondiscrimination policies and affirmative action programs. This includes, but is not limited to, promulgating the affirmative action programs and nondiscrimination policies; communicating the programs and policies to the campus community; conducting employee training on the nondiscrimination, equal employment, and affirmative action obligations of CSU; and designing an administrative support structure that facilitates compliance with all applicable federal and state laws, regulations and Trustee policies. The policy also recommends that training be provided to all new employees shortly after their start dates and periodically thereafter.

EO 927, Systemwide Policy Prohibiting Harassment in Employment and Retaliation for Reporting Harassment or Participation in a Harassment Investigation, dated January 6, 2005, states that to prevent harassment and encourage the reporting of harassment, training shall be provided by each campus to all employees upon their initial arrival at the campus. The policy also states that after training has been given to employees upon their first arrival at the campus, training shall be provided, when necessary, to refresh and update employees’ knowledge of harassment and retaliation laws.

EO 1039, CSU Occupational Health and Safety Policy, dated November 17, 2008, states that campuses shall develop, implement, and maintain a health and safety program that includes, but is not limited to, an employee health and safety training program that ensures employees receive adequate training for the task they are performing and/or that is included in the job description/scope of work.

The vice chancellor for systemwide human resources stated that she had been unaware that some campuses were not providing training in the area of harassment and reporting of harassment to all
employees upon their initial arrival at the campus and agreed that the Executive Order regarding non-discrimination in employment could more clearly indicate whether training was mandated. She further stated that campuses may have been reluctant to mandate faculty attendance because of the challenge in reaching all temporary faculty and because of concerns over collective bargaining issues. The associate director of systemwide risk management and public safety stated that he was unaware that campuses were not requiring faculty to attend basic health and safety training as required by systemwide policy. He further stated that current systemwide policy states that CSU campuses are required by law to maintain an injury and illness prevention program and ensure that all employees are trained on its provisions.

Failure to ensure that faculty completes nondiscrimination training, harassment training, basic safety training, and refresher training on these topics as appropriate increases the risk that employees will not be fully aware of CSU nondiscrimination, harassment, and safety procedures and requirements, thereby increasing the risk of litigation.

**Recommendation 3**

We recommend that the CO:

a. Update systemwide policies to clarify whether faculty employees are required to complete harassment training.

b. Remind campuses that they are required by law and by systemwide policy to provide and document basic safety training for all employees, including faculty employees.

c. Complete actions regarding nondiscrimination training as addressed in the 2011 Americans with Disabilities Act Compliance audit.

**Management Response**

We concur.

a. Management agrees to issue a coded memorandum to clarify the requirements for harassment training for employees under EO 927. Completion is expected by November 2012.

b. Systemwide Risk Management and Public Safety will remind campuses of the requirement that they be familiar with the nature and extent of mandated training, such as injury and illness prevention, for all CSU employees and that said training is provided and documented. This will be accomplished by December 2012.

c. HR previously provided the following response regarding the training issues identified in the Americans with Disabilities Act Compliance audit: “Executive Order 883 was developed to communicate the CSU’s commitment to maintaining an environment free of discrimination and harassment. The statement in Executive Order 883 regarding ongoing training of current employees was written in recognition of the fact that campuses may have different training programs as a result of the agreements they reach with the appropriate labor unions through
impact bargaining. Management is in agreement with the recommendation to issue a revised Executive Order. This should be completed by December 2012. Implementation of the revised Executive Order is contingent upon reaching agreement with appropriate labor unions following impact bargaining.

“Management is in agreement with the recommendation to research the possibility of web-based technology, similar to that which is used for supervisory prevention of sexual harassment training. This should be completed by December 2012. The implementation of mandated web-based training or any other training modality is contingent upon reaching agreement with appropriate labor unions following impact bargaining.”

Therefore, management is in agreement with this recommendation and remains committed to the steps outlined above. In communicating the revised EO to the campuses, moreover, management will clearly indicate that the terms of the EO apply to all employees, including faculty.
**APPENDIX A:
PERSONNEL CONTACTED**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td><strong>Office of the Chancellor</strong></td>
<td></td>
</tr>
<tr>
<td>Benjamin F. Quillian</td>
<td>Executive Vice Chancellor and Chief Financial Officer</td>
</tr>
<tr>
<td>Ephraim P. Smith</td>
<td>Executive Vice Chancellor and Chief Academic Officer</td>
</tr>
<tr>
<td>Gail Brooks</td>
<td>Vice Chancellor, Systemwide Human Resources</td>
</tr>
<tr>
<td>George Ashkar</td>
<td>Assistant Vice Chancellor and Controller</td>
</tr>
<tr>
<td>Ellen Bui</td>
<td>Senior Manager, Equal Employment Opportunity</td>
</tr>
<tr>
<td>Bill Candella</td>
<td>Senior Director, Systemwide Labor and Employee Relations</td>
</tr>
<tr>
<td>Lori Erdman</td>
<td>Chief of Staff, Business and Finance</td>
</tr>
<tr>
<td>Bruce Gibson</td>
<td>Senior Director, Advocacy and Campus Relations/Equal Employment</td>
</tr>
<tr>
<td>Zachary Gifford</td>
<td>Associate Director, Systemwide Risk Management and Public Safety</td>
</tr>
<tr>
<td>Lynne Hellmer</td>
<td>Senior Director, Systemwide Professional Development</td>
</tr>
<tr>
<td>Robin Innes</td>
<td>Senior Manager, Systemwide Professional Development</td>
</tr>
<tr>
<td>Margaret Merryfield</td>
<td>Senior Director of Academic Human Resources</td>
</tr>
<tr>
<td>Charlene Minnick</td>
<td>Assistant Vice Chancellor, Risk Management and Public Safety</td>
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<tr>
<td>Ron Vogel</td>
<td>Associate Vice Chancellor, Academic Affairs</td>
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<td><strong>California State University, East Bay</strong></td>
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<tr>
<td>Leroy M. Morishita</td>
<td>President</td>
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<tr>
<td>Linda Dobb</td>
<td>Interim Associate Provost</td>
</tr>
<tr>
<td>Carolyn Fong</td>
<td>Chair, Department of Nursing and Health Sciences</td>
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<tr>
<td>JoAnne Hill</td>
<td>Manager, Human Resources</td>
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<tr>
<td>Andre Johnson</td>
<td>Human Resources Manager</td>
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<tr>
<td>Nyassa Love</td>
<td>Associate Vice President of Risk Management and Internal Control</td>
</tr>
<tr>
<td>Denise Needleman</td>
<td>Interim Associate Vice President, Human Resources</td>
</tr>
<tr>
<td>Lee Thompson</td>
<td>Deputy Chief Information Officer and Interim Information Security Officer</td>
</tr>
<tr>
<td>Gina Traversa</td>
<td>Special Assistant to the Provost</td>
</tr>
<tr>
<td>Brad Wells</td>
<td>Interim Vice President, Administration and Finance, and Chief Financial Officer</td>
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<td><strong>Humboldt State University</strong></td>
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<tr>
<td>Rollin C. Richmond</td>
<td>President</td>
</tr>
<tr>
<td>Patricia Ambrosini</td>
<td>Payroll Officer</td>
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<tr>
<td>Kevin Cheli-Colando</td>
<td>Administrative Analyst, College of Professional Studies</td>
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<tr>
<td>Shannon Collart</td>
<td>Recruitment Assistant, Academic Personnel Services</td>
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<tr>
<td>Dan Collen</td>
<td>Athletics Director</td>
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<tr>
<td>Tammy Curtis</td>
<td>Director of Human Resources</td>
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<tr>
<td>Ann Diver-Stamnes</td>
<td>Chair, School of Education</td>
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<tr>
<td>Jane Fusek</td>
<td>Administrative Analyst, College of Arts, Humanities and Social Sciences</td>
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<tr>
<td>Denise Giltzow</td>
<td>Office Manager, Human Resources</td>
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<tr>
<td>Mary Greta</td>
<td>Administrative Support, President’s Office</td>
</tr>
<tr>
<td>Mary Hackett</td>
<td>Administrative Analyst, College of Natural Resources and Sciences</td>
</tr>
<tr>
<td>Mark Hendricks</td>
<td>Security Analyst, Information Technology Services</td>
</tr>
</tbody>
</table>
APPENDIX A: PERSONNEL CONTACTED

Humboldt State University (cont.)
Su Karl Coordinator, Learning Center
Melissa Koval Academic Personnel Coordinator
Emily Kupec Financial Analyst
Tom Manoli Coordinator, Environmental Health and Safety
Carlene Marshall Specialist, Academic Personnel Services
Colleen Mullery Associate Vice President for Faculty Affairs
Burt Nordstrom Vice President of Administrative Affairs
Nancy Resnick Associate Director of Human Resources
Lyne Sandstrom Director of Financial Services
Laurie Sheppard Business Manager, Athletics
Robert Snyder Vice President of Academic Affairs
Carol Terry Associate Vice President for Business Services
Marshelle Thobaben Chair, Department of Nursing

California State University, Long Beach
F. King Alexander President
Scott Apel Associate Vice President, Human Resources Management
David Beadle Director, Environmental, Health and Safety
Volkan Gunal Internal Audit Assistant
Larisa Hamada Director, Equity and Diversity
Holly Harbinger Associate Vice President, Faculty Affairs
Adam Litman Director, Human Resources Technology Support Services
Elizabeth Martin Director, Faculty Affairs
Sandy Miyake Payroll Director
Beth Ryan Human Resources Director
Aysu Spruill Director of Internal Auditing Services/Information Security Officer
Mary Stephens Vice President, Administration and Finance

California State University, Northridge
Harold Hellenbrand Interim President
Jolene Koester President (At time of review)
Leta Chow Administrative Support Coordinator, Psychology
Shane Frehlich Department Chair, Kinesiology
Marriane Hattar Department Chair, Department of Nursing
Penny Jennings Associate Vice President, Faculty Affairs
Howard Lutwak Director of Internal Audit
Tom McCarron Vice President, Administration and Finance and
Chief Financial Officer
Jill Smith Interim Associate Vice President, Human Resources
Frank Stranzl Manager, Faculty Personnel and Compensation Programs,
Human Resources
William Whiting Senior Director, Academic Personnel
Melanie Williams Department Chair, Business Law
APPENDIX A: PERSONNEL CONTACTED

San José State University
Mohammad Qayoumi             President
Shawn Bibb                   Vice President and Chief Financial Officer,
                            Administration and Finance Division
Rick Casillo                 Director, Human Resources Operations
Maria De Guevara             Associate Vice President, Human Resources
Mike Dunefsky                Senior Director, Administrative Systems
Natalie King                 Assistant Associate Vice President, Faculty Affairs
Joan Merdinger               Associate Vice President, Faculty Affairs
Angee Ortega McGhee          Manager, Faculty Personnel and Records
Ninh Pham-Hi                 Director, Internal Control, Administration and Finance Division

California State University, San Marcos
Karen S. Haynes               President
Candace Bebee                 Assistant to the Vice President, Finance and Administrative Services
Wanda Boller                  Human Resources Manager
Ellen Cardoso                 Director, Human Resources and Equal Opportunity
Emily Cutrer                  Provost
Regina Frasca                 Director of Risk Management and Safety
Dianna Frye                   Academic Resources Coordinator
Linda Hawk                    Vice President, Finance and Administrative Services
Michelle Hunt                 Academic Labor Relations Manager
Lisa McLean                   Human Resources Manager
Janet Powell                  Associate Vice President, Academic Resources
Chris Quiroga                 Human Resources Recruitment Coordinator
Susie Quon                    Assistant to the Human Resources Director
Katy Rees                     Assistant Vice President, Administration
Patricia Runzel               Faculty Affairs Faculty Personnel Coordinator
Deirdre Wallace               Faculty Personnel Generalist
MEMORANDUM

DATE: May 29, 2012

TO: Larry Mandel
University Auditor

FROM: Benjamin F. Quillian
Executive Vice Chancellor and
Chief Financial Officer

Gail Brooks
Vice Chancellor
Human Resources

SUBJECT: Management Response to Recommendations of Audit Report #11-63,
Academic Personnel, Systemwide

In response to the "Incomplete Draft" report dated April 25, 2012, we are providing the
enclosed management responses.

Should you have any questions, please feel free to contact any of us.

BFQ:GB:ije

Attachment

c. Margaret Merryfield, Senior Director, Academic Human Resources
   Charlene Minnick, Assistant Vice Chancellor, Risk Management & Public Safety
ACADEMIC PERSONNEL

SYSTEMWIDE

Audit Report 11-63

RECRUITMENT AND HIRING

Recommendation 1

We recommend that the chancellor’s office (CO) update HR 2005-10 to provide additional specificity as to which academic personnel job categories or faculty positions meet the criteria specified in HR 2005-10 for “sensitive” positions, and specify whether background checks should be required for these employees.

Management Response

Management agrees to revise and update HR 2005-10 as requested.

The update will provide a core list of positions that are generally considered sensitive whether they are held by faculty or staff. However, given differences in campus operations and mission, campuses will still be responsible for reviewing individual faculty or staff positions outside of the core list to determine whether additional positions should be classified as sensitive. Where impact bargaining is necessary, the implementation of this policy (and campus policies based on it) is contingent upon reaching agreement with appropriate labor unions.

We expect to complete the revision by September 2012.

TRAINING

SEXUAL HARASSMENT TRAINING

Recommendation 2

We recommend that the CO provide guidance to campus personnel with responsibility for ensuring compliance with HR 2005-35 to ensure that all faculty with supervisory responsibilities receive the mandated training.

Management Response

Management agrees to issue a Technical Letter as follow-up to HR 2005-35 providing instructions to the campuses for implementation of this policy, including clarification of the supervisory responsibilities that trigger a legal requirement for training and other details as necessary. These letters are sent to campus senior leadership as well as those individuals with responsibility for
implementation. We plan to follow the Technical Letter with a webinar ("Tech Talk") to explain the contents of the Letter and answer questions from campus constituents.

Completion is anticipated by October 2012.

**NONDISCRIMINATION, HARASSMENT, AND BASIC SAFETY TRAINING**

**Recommendation 3**

We recommend that the CO:

a. Update systemwide policies to clarify whether faculty employees are required to complete harassment training.

b. Remind campuses that they are required by law and by systemwide policy to provide and document basic safety training for all employees, including faculty employees.

c. Complete actions regarding nondiscrimination training as addressed in the 2011 Americans with Disabilities Act Compliance audit.

**Management Response**

We concur.

Management agrees to issue a coded memorandum to clarify the requirements for harassment training for employees under Executive Order 927. Completion is expected by November 2012.

Systemwide Risk Management & Public Safety will remind campuses of the requirement they be familiar with the nature and extent of mandated training, such as Injury and Illness Prevention, for all CSU employees and that said training is provided and documented. This will be accomplished by December 2012.

HR previously provided the following response regarding the training issues identified in the ADA Compliance audit: “Executive Order 883 was developed to communicate the CSU’s commitment to maintaining an environment free of discrimination and harassment. The statement in Executive Order 883 regarding ongoing training of current employees was written in recognition of the fact that campuses may have different training programs as a result of the agreements they reach with the appropriate labor unions through impact bargaining. Management is in agreement with the recommendation to issue a revised Executive Order. This should be completed by December 2012. Implementation of the revised Executive Order is contingent upon reaching agreement with appropriate labor unions following impact bargaining.

“Management is in agreement with the recommendation to research the possibility of web-based technology, similar to that which is used for supervisory prevention of sexual harassment training. This should be completed by December 2012. The implementation of mandated web-based training or any other training modality is contingent upon reaching agreement with appropriate labor unions following impact bargaining.”
Therefore, management is in agreement with this recommendation and remains committed to the steps outlined above. In communicating the revised Executive Order to the campuses, moreover, management will clearly indicate that the terms of the Executive Order apply to all employees, including faculty.
June 6, 2012

MEMORANDUM

TO: Mr. Larry Mandel
   University Auditor

FROM: Charles B. Reed
       Chancellor

SUBJECT: Draft Final Report 11-63 on Academic Personnel, Systemwide

In response to your memorandum of June 6, 2012, I accept the response as submitted with the draft final report on Academic Personnel, Systemwide.

CBR/amd