

AMENDED

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: **8:30 a.m., Wednesday, May 25, 2022**
Glenn S. Dumke Auditorium

Wenda Fong, Chair
Jean Picker Firstenberg, Vice Chair
Jack Clarke, Jr.
Douglas Faigin
Christopher Steinhauser

- Consent** 1. Approval of Minutes of the Meeting of March 23, 2022, *Action*
- Discussion** 2. Executive Compensation: Temporary Housing Allowance, *Action*
3. Report on Mercer Staff Salary Study, *Information*
4. Retreat Rights Policy Review, *Information*
5. Letter of Recommendation Policy Review, *Information*
6. ~~Executive Transition Program Review~~, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, California**

March 23, 2022

Members Present

Wenda Fong, Chair
Jean Picker Firstenberg, Vice Chair
Jack Clarke, Jr.
Douglas Faigin
Debra S. Farar
Christopher Steinhauer

Lillian Kimbell, Chair of the Board
Steve Relyea, Acting Chancellor

Public Comment

Public comment took place at the beginning of the meeting's open session, prior to all committees.

Trustee Wenda Fong called the meeting to order.

Before proceeding with the committee's consent agenda, Trustee Fong announced that action item 6 (Executive Compensation) was pulled from the discussion agenda and would not be presented at this time.

Approval of the Consent Agenda

The minutes of the January 26, 2022, meeting of the Committee on University and Faculty Personnel were approved as submitted.

Item 2, CSU Salary Schedule, was also approved as submitted. (RUFP 03-22-03)

Executive Compensation: Acting Chancellor, California State University

Trustee Fong presented agenda item 3 which recommended compensation for Mr. Steve Relyea as acting chancellor of the California State University; he was named to this position beginning February 17, 2022. Mr. Relyea will return to his current position of executive vice chancellor and chief financial officer when the new interim chancellor starts. The acting chancellor will receive an annual salary of \$625,000 and a monthly housing allowance of \$7,917 while serving in this capacity. This is the same compensation as the former chancellor. Additionally, Mr. Relyea will continue to receive a \$1,000 monthly auto allowance. A motion to approve the item was passed. (RUFP 03-22-04)

Executive Compensation: Acting Executive Vice Chancellor and Chief Financial Officer – California State University

Acting Chancellor Steve Relyea presented item 4 and introduced Mr. Brad Wells to serve as acting executive vice chancellor and chief financial officer of the California State University. Mr. Wells will return to his current position of associate vice chancellor for business and finance when the new interim chancellor starts. Acting Chancellor Relyea recommended Mr. Wells receive an annual salary of \$361,242 and a monthly auto allowance of \$1,000 while serving in this assignment. This is the same compensation as the current executive vice chancellor and chief financial officer. A motion to approve the item was passed. (RUFP 03-22-05)

Executive Compensation: Interim Chancellor, California State University

Trustee Fong presented agenda item 5 which recommended compensation for Dr. Jolene Koester as interim chancellor of the California State University. An annual salary of \$625,000 was recommended for Interim Chancellor Koester. Also recommended was a monthly auto allowance of \$1,000 and a monthly housing allowance of \$7,917. The salary and other compensation are the same as the previous chancellor. A motion to approve the item was passed. (RUFP 03-22-06)

Trustee Fong briefly returned to the business of the Consent Agenda to confirm there were no objections to the approval of the items submitted on consent. There were no objections, and the Consent Agenda was approved as submitted.

Trustee Fong adjourned the meeting of the Committee on University and Faculty Personnel.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: Temporary Housing Allowance

Presentation By

Jolene Koester
Interim Chancellor

Summary

This action item seeks approval to provide a temporary housing allowance for the president of California State University, Monterey Bay (CSUMB).

Background

In October 2021, President Eduardo M. Ochoa announced that he will retire as president of California State University, Monterey Bay on June 30, 2022. Since that announcement, the Board of Trustees requested that President Ochoa extend his presidency through July 31, 2022. The board is pleased and appreciative of President Ochoa's steadfast leadership and willingness to continue serving as president of CSU Monterey Bay during this time.

Due to his planned retirement and departure from the CSUMB University House effective June 30, 2022, President Ochoa purchased a personal residence. Because President Ochoa has agreed to extend his presidency as requested, the University will provide a temporary housing allowance to offset the cost of his primary residence while he continues to serve as president and carry out his official university duties.

Recommendation

It is recommended that a temporary monthly housing allowance of \$5,000 be provided to President Eduardo M. Ochoa beginning July 1, 2022. This is the same housing allowance provided other executives, including the central coast area (e.g., CSU Channel Islands). The housing allowance is for one month or until President Ochoa's presidency ends.

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that effective July 1, 2022, President Eduardo M. Ochoa shall receive a temporary housing allowance of \$5,000 per month as cited in Agenda Item 2 of the Committee on University and Faculty Personnel at the May 24-25, 2022 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Report on Mercer Staff Salary Study

Presentation By

Evelyn Nazario
Vice Chancellor
Human Resources

Lyn Harper
Senior Principal, Mercer

Mary Mertes
Senior Associate, Mercer

Summary

This information item will update the trustees on the findings and recommendations of the Mercer study on CSU represented staff employee compensation and salary structures.

Background

Over the past several years, the California State University (CSU) has struggled to attract and retain talent, as wages have not kept up with the market rate and employees have experienced limited growth opportunities in their public service careers with the CSU.

In 2021, the CSU Chancellor's Office, the California State University Employees Union (CSUEU), Service Employees International Union, and Teamsters Local 2010 partnered to advocate for funding for a comprehensive non-faculty staff salary study.

The Budget Act of 2021 included \$2 million from the state legislature for the CSU to evaluate its existing staff salary structure, salary issues (e.g., inversion, compression and stagnation), develop recommendations and estimate the financial implications of the recommendations.

A compensation study project team was developed and included participants from the CSU, as well as CSUEU and Teamsters Local 2010 (jointly representing all nine staff bargaining units). Through a collaborative process, the CSU and its labor partners selected Mercer Consulting to conduct the study. The study encompasses all represented non-faculty CSU employee groups.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Retreat Rights Policy Review

Presentation By

Lillian Kimbell
Chair of the Board

Jolene Koester
Interim Chancellor

Summary

At the March 2022 meeting of the CSU Board of Trustees, the trustees pledged to initiate systemwide assessments of institutional employment practices on retreat rights, letters of recommendation, and executive transition (RBOT 03-22-03).

This information item will include a discussion of the proposed “employment policy governing Management Personnel Plan employees’ option to retreat.”

The draft policy is presented in the attachment to Item 4.

This item will be presented for action at the July 2022 meeting of the Board of Trustees.



Draft Employment Policy Governing Management Personnel Plan Employees' Option to Retreat

The purpose of this policy is to delineate systemwide protocols throughout the California State University (CSU) system governing the option for Management Personnel Plan (MPP) employees to retreat to a faculty position at the end of their administrative appointment. The policy identifies the conditions under which MPP employees are eligible and ineligible to Retreat.

This policy is intended to provide systemwide consistency in conferring and granting options to Retreat to a faculty position in connection with MPP appointments. This policy is based on the core values of CSU faculty, such as commitment to the university mission, collegiality, excellence in teaching and scholarship, and on CSU's overarching commitment to maintaining an inclusive and equitable community that fosters mutual respect and a workplace free of discrimination, harassment, and retaliation.

I. Application

This policy applies to all MPP appointments made at any CSU campus or at the Chancellor's Office which include the option to Retreat to a faculty position. This policy is intended to be prospective and does not impact retreats granted prior to its effective date except on a case-by-case basis in the event of a serious policy violation.

II. Relevant Definitions

Management Personnel Plan (MPP) – the management personnel plan outlines the rules and provisions governing administrators within the CSU and can be accessed here: [MPP](#)

Management Personnel Plan (MPP) Employee – this means any CSU employee designated as an administrator (management or supervisory) under the Higher Education Employer-Employee Relations Act and Title 5.

Retreat - the option to Retreat means an MPP Employee's ability to be reassigned to a faculty position with or without tenure at a designated rank and within a designated department at the end of an administrative assignment.

III. Considerations and Procedures for the Conferral of Retreat Rights

A. General Considerations

Options to Retreat should always be granted up front and memorialized in an MPP Employee's appointment letter. When considering the granting of an option to Retreat to an MPP candidate, the campus should seek to do the following:

1. Reflect the CSU's faculty hiring process by assessing the candidates' education, background, excellence in teaching, scholarship, and/or research and creative activities, and professionalism.



Draft Employment Policy Governing Management Personnel Plan Employees' Option to Retreat

2. Ensure the appropriateness of an administrator's Retreat to a particular academic department or unit through consultation with the department faculty into which the candidate would ultimately Retreat.
3. Ensure that the hiring authority or search committee chair collaborates with the tenured faculty in the department to which the finalist MPP wishes to Retreat, so that they may evaluate the candidate's qualifications including, but not limited to, any obtainment of tenure at a prior institution, and also ensuring that should the Retreat be conferred, the details of the Retreat are memorialized in the MPP's appointment letter should they be selected for hire.

B. Establishment of a Procedure for Conferring the Retreat

Campuses must adopt a procedure for conferring the option to Retreat to a faculty position for qualified MPP candidates. The procedure shall include: (a) early notification from the search committee that a finalist is requesting an option to Retreat so as to ensure a timely conferral/appointment should the finalist be selected for hire; (b) process for the recommendation of conferral by tenured faculty in the department to which the MPP wishes to Retreat (augmented by tenured faculty from other departments when sufficient tenured faculty are not available in the department) and/or other representatives of the campus, as provided by the campus policy; and (c) final approval by the campus president or designee.

In granting the option to Retreat with tenure, serious consideration should be given to all the factors set forth in paragraph III. A., above. MPP candidates who have earned and held a tenured position as a professor within the CSU or another equivalent institution are ordinarily granted the **option to Retreat** to a tenured faculty position. While the **option to Retreat** is not ordinarily granted to non-academics, the **option to Retreat** to either a tenured or probationary faculty position may be granted on a case-by-case basis to MPP candidates who have never earned or held a tenure-track position, provided they demonstrate a substantial record of achievement meriting such rank and receive the recommendation of the faculty committee and approval of the campus president or chancellor.

IV. Memorialization of the Terms of Retreat

If the campus determines an MPP candidate should be conferred an **option to Retreat**, the following terms of Retreat will be placed in the official appointment letter for the administrative appointment:

- a. Acknowledgement of the faculty appointment and whether it is with or without tenure.
- b. Name of the department and college to which the candidate will be appointed upon exercising their **option to Retreat**.
- c. Faculty rank upon Retreat.
- d. Salary placement details to be applied upon Retreat. If an MPP exercises their option to Retreat three years or more after the effective date of their appointment, their salary may be set up to the maximum pay rate for their rank, at the president's discretion. If an MPP exercises their option to Retreat prior to serving three years in the MPP role, their



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salary at the time of Retreat must be in line with similarly ranked professors in the department/school to which they are Retreating.

- e. Terms of administrative sabbatical (if provided) or paid time upon Retreat being granted to prepare for a return to teaching.
- f. Any additional terms agreed upon between the campus and the candidate relating to their Retreat and/or their faculty appointment.

VI. Determination of Ineligibility to Exercise the Option to Retreat

An MPP Employee will be ineligible to exercise their option to Retreat under the following circumstances: (1) a finding* has been made that the MPP Employee engaged in significant misconduct or policy violation that resulted in the MPP Employee being non-retained, terminated, or separated through mutually agreed upon settlement terms; (2) the MPP Employee is currently under investigation for significant misconduct or violation of university policy (the Retreat determination shall be held in abeyance until the completion of the investigation and any appeals – paid administrative leave may be granted during this time period); or (3) the MPP Employee's retirement benefits have been rescinded under [The Public Employees Pension Reform Act](#) due to criminal misconduct associated with their official duties. The determination whether the employee is ineligible to Retreat will be made at the time the employee notifies the campus of their request to exercise the option.

Notice of this ineligibility will be provided to the MPP Employee by the campus president or their designee. In such cases, the university will not grant the option to Retreat nor provide a positive letter of reference to the MPP Employee. The university may provide employment verification for the MPP Employee, but it will consist only of the job title(s) held, dates of employment, and job duties, as outlined in CSU's employee reference policy. Notice of the potential ineligibility for the option to Retreat under these circumstances must be included in the MPP Employee's appointment letter. For MPP Employees who are employed at the CSU Chancellor's Office, the Chancellor holds the responsibility for determining ineligibility to exercise an option to Retreat.

** A finding includes, but is not limited to, (a) a final internal report, following any appeals, resulting from an investigation conducted by the university; (b) an internal or external audit; (c) an administrative decision by a state body having such jurisdiction, such as the Department of Labor, etc.; (d) a civil or criminal judgment, following any appeals; or (e) admission of such misconduct by the MPP Employee. Allegations for which no findings have been made should not be a basis for denying the exercise of Retreat.*

VII. Notice of Election to Exercise the Option to Retreat

An MPP Employee who has been offered the option to Retreat in their appointment letter must notify the university of their intent to elect to Retreat within the time period set forth in the MPP Employee's appointment letter. At the time the MPP Employee notifies the campus of their election to Retreat, and the campus determines the MPP Employee's eligibility to Retreat, the campus and MPP Employee should discuss the transition plan for Retreat including the date on which the Retreat becomes effective and the Retreating faculty member's work assignment. Absent circumstances that would prevent the MPP Employee from doing so, they should normally Retreat and initiate their faculty appointment no



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later than six (6) months from the date on which the University was notified of the MPP Employee's intent to Retreat.

VIII. Procedure for Reconsideration of Denial of the Option to Retreat

Any campus decision to deny an MPP Employee's election to Retreat will be subject to reconsideration in accordance with Section 42728 of Title 5, California Code of Regulations, as may be set forth in campus policy.

IX. Payment in Lieu of Notice Where MPP Employee Elects to Retreat.

Pursuant to Section 42723(e) of Title 5, campuses are required to provide an MPP Employee notice of non-retention at least three months prior to the separation date or provide corresponding salary in lieu of notice.

Further, the campus is required to pay MPP Employees all earned and unpaid wages and accrued vacation on the last day of employment (separation date). In the event a campus non-retains an MPP Employee who has the option to Retreat, in order to avoid a premature separation, the campus should always provide the MPP Employee at least thirty (30) days to exercise their option to Retreat prior to the effective date of non-retention.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Letters of Recommendation Policy Review

Presentation By

Lillian Kimbell
Chair of the Board

Jolene Koester
Interim Chancellor

Summary

At the March 2022 meeting of the CSU Board of Trustees, the trustees pledged to initiate systemwide assessments of institutional employment practices on retreat rights, letters of recommendation, and executive transition (RBOT 03-22-03).

This information item will include a discussion of the proposed “employment policy governing the provision of employee references.”

The draft policy is presented in the attachment to Item 5.

This item will be presented for action at the July 2022 meeting of the Board of Trustees.



Draft Employment Policy Governing The Provision of Employee References

CSU recognizes that reference-checking is an important part of the search and hiring process. It further recognizes that many CSU employees are asked, on occasion, to provide positive references for former or current colleagues and/or direct reports. This policy is intended to outline the principles and procedures guiding the provision of such references, given the legal liability associated therewith. Specifically, it is the guiding principle of CSU not to provide positive letters of reference for employees who have engaged in serious or significant misconduct, including a serious CSU policy violation.¹

I. References Requested by Third Parties

CSU employees may receive reference requests from third parties, such as requests from prospective employers, search firms, lenders and others with a business need for relevant employment information for current or former employees. References provided to third parties may be official (on behalf of the University) or personal (on behalf of the employee personally). Employees receiving requests for references from third parties are encouraged to forward said requests to their Campus Human Resources (staff, student, and/or management employees) or Faculty Affairs (faculty employees) Departments for review or response as there may be relevant information for which the employee is unaware.

II. Official Letters of Recommendation

CSU employees who are asked to provide letters of recommendation or other formal requests for reference for current/former colleagues or direct reports on behalf of the CSU should either check in with their campus Human Resources or Faculty Affairs Departments prior to responding to the request or provide their finalized letter of recommendation to campus Human Resources/Faculty Affairs for review prior to submission. Campus Human Resources/Faculty Affairs should review the employee's personnel file as well as inquire of the campus Title IX/DHR office as to whether the employee for whom the reference is being requested has had findings against them in the past or if there are any investigations/appeals pending.

CSU will not provide any official positive letters of recommendation or reference, either verbally or in writing, for a current or former CSU employee who: (i) is subject to a finding* that the CSU employee has engaged in significant misconduct that resulted in the employee being non-retained, terminated, or is separated through mutually agreed upon settlement terms; (ii) is currently under investigation for significant misconduct or violation of university policy (in abeyance until the completion of the investigation and any appeals); or (iii) has had their retirement benefits rescinded under [The Public Employees Pension Reform Act](#) due to criminal misconduct associated with their official duties. In such cases, Human Resources/Faculty

¹ This policy addresses requests for references for CSU employees only. Requests for references for CSU students, outside of any student-employment context, may be addressed in a separate policy.



Draft Employment Policy Governing The Provision of Employee References

Affairs shall inform the third party requesting the reference of CSU's employee reference policy and provide an employment verification only, as set forth below, for the current or former CSU employee.

* *A finding includes, but is not limited to, (a) a final internal report, following any appeals, resulting from an investigation conducted by the university; (b) an internal or external audit; (c) an administrative decision by a state body having such jurisdiction, such as the Department of Labor, etc.; (d) a civil or criminal judgment, following any appeals; or (e) admission of such misconduct by the employee.*

III. Employment Verifications for Current or Former Employees

Employment verifications for current or former employees should always be directed to the Campus Human Resources Department. It is the CSU's policy to provide minimal information about current or former employees to non-CSU entities for employment verification purposes. Campus Human Resources Departments shall provide only the current or former employee's job title(s), dates of employment, and job duties.

Current or former CSU employee may additionally authorize the release of their salary information, typically for the purpose of credit evaluation, as part of the employment verification process. Such requests must be referred to the Campus Human Resources Department who will only release salary information to a requesting third party/institution only with the current or former employee's written authorization to do so.

IV. Personal References

Personal references are permissible. Such references should clearly identify that they are being provided in an individual capacity and not on behalf of the CSU. Any references made outside Human Resources or Faculty Affairs, and where no check-in or review with Human Resources or Faculty Affairs has occurred, will be considered personal and not to have been provided on behalf of the CSU. Personal references shall not be written on CSU letterhead or the letterhead of the Office of the Chancellor.

References by presidents, executives, or other university officers in senior administrative positions may be perceived as being provided on behalf of the University by virtue of their position. Such individuals should always consult with Human Resources or Faculty Affairs to determine whether letters of recommendation or positive references should be provided, even in their personal capacity.



Draft Employment Policy Governing The Provision of Employee References

V. References Requested Within CSU

The CSU operates as a single employer and has the right and responsibility to share information across its campuses and departments about employees, including senior leaders. Shared information should be accurate and specific to the employee's work performance and job history. Former or current supervisors must always provide, if requested to do so, information to other CSU campuses and departments and may not withhold any relevant information related to the work performance of the current or former employee. Communications between campuses should always be truthful, accurate, job-related, candid, and objective.

Campuses are reminded that they should comply with CSU's Recruitment and Hiring Guidelines for MPP and Staff (Non-represented and Represented) Positions, Technical Letter HR/Appointments 2013-03, and to fully cooperate with other campuses in providing information within CSU.

REMOVED

Information Item

~~Agenda Item 6~~

May 24-25, 2022

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COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

~~Executive Transition Program Review~~

Presentation By

Lillian Kimbell
Chair of the Board

Jolene Koester
Interim Chancellor

Summary

At the March 2022 meeting of the CSU Board of Trustees, the trustees pledged to initiate systemwide assessments of institutional employment practices on retreat rights, letters of recommendation, and executive transition (RBOT 03-22-03). Additionally, the trustees ceased granting executive transition rights for newly hired executives until such time as the board considers recommendations of a task force and takes further action.

This information item will include a discussion of the proposed policy regarding executive assignments following the resignation from an executive position. (Executive positions include the chancellor, executive vice chancellors, vice chancellors, and campus presidents.)

This item will be presented for action at the July 2022 meeting of the Board of Trustees.