

EXECUTIVE SUMMARY OF RESOLUTIONS
ACADEMIC SENATE CSU PLENARY – NOVEMBER 5-6, 2015
(Extracted and edited from report by Catherine Nelson, SSU Statewide Senator)

The system-wide Academic Senate (ASCSU) met at the Chancellor's Office in Long Beach November 5-6, 2015 and approved the following resolutions. All can be accessed at the [ASCSU website](#).

Call for Suspension of CSU Background Check Policy: (HR-2015-08)

AS-3223-15/FA (Rev) - Approved

This resolution calls for suspension of the new CSU Background Check Policy and for a joint ASCSU and Chancellor's Office task force, with the participation of the California Faculty Association, to study the policy and make recommendations about its implementation with regard to issues relevant to faculty. The rationale indicates that the policy could have significant implications for potential faculty employees' privacy rights as well as for hiring and attracting the strongest and most diverse faculty.

Addition of a Retired Faculty Member to the CSU Board of Trustees

AS-3228-15/FA (Rev) – Approved Without Dissent

This resolution advocates for the addition of a retired faculty as a voting member of the CSU Board of Trustees and urges the Chancellor's Office to support legislation to achieve that end. The resolution specifically clarifies that the addition of a retired faculty trustee should not substitute for having a second faculty member serve on the CSU Board of Trustees as called for in AS-3017-11/EX (Rev) *Addition of a Second Faculty Trustee to the Board of Trustees*.

California State University 2016-17 Support Budget Preliminary Plan

AS-3229-15/FGA (Rev) – Approved

This resolution commends the CSU for its 2016-17 Support Budget Plan, which recognizes that CSU fiscal needs are significantly greater than those in the governor's multi-year funding plan. It supports the 3% proposed increase for funded enrollment growth in the plan and strongly urges the Board of Trustees to amend the plan to provide a compensation pool increase for all employees substantially beyond the proposed two percent (2%).

Commendation for Associate Vice Chancellor Ron Vogel

AS-3231-15/FGA - Approved by Acclamation

This resolution is a commendation for former Associate Vice Chancellor for Academic Affairs, Ron Vogel.

Commendation in Memory of CSU Academic Senator Shane G. Frehlich

AS-3233-15/EX - Approved by Acclamation

This resolution honors Senator Shane G. Frehlich, CSU Northridge, who passed away on September 4, 2015 due to complications of Acute Myeloid Leukemia.

Presidential Search Process in the California State University System: Announcement of Finalists and Visits to Campuses

AS-3234-15/EX – Approved Unanimously

This resolution reaffirms the position on open presidential searches expressed in AS-3035-11/FA *Response to Proposed Changes to the Board of Trustees Policy for the Selection of Presidents: Affirming the Importance of Campus Involvement and Transparency*. It declares that the ASCSU stands in solidarity with the 21 campus senates that have approved resolutions in favor of public announcement of finalists and visits to campus by finalists. It urges that the selection processes for the four 2015-16 CSU presidential searches provide for the public announcement of finalists and accompanying official campus visits by finalists, and that the Chancellor and Board of Trustees revise the BOT policy to provide for the public announcement of finalists and official campus visits by finalists.

Chancellor’s Office Response to AS-3230-15/AA Establishing a Task Force on the Requirements of CSU General Education (GE) Mathematics/Quantitative Reasoning

AS-3235-15/AA – Approved

This resolution expresses concern about the Chancellor’s Office Response to AS-3230-15, which implies that the faculty is one voice among many, rather than the most significant “stakeholder” in curriculum design as it relates to CSU mathematics/quantitative reasoning requirements. The resolution urges the Chancellor’s Office to revise its response to clarify the faculty’s primacy over curriculum. It also urges the Chancellor’s Office to prioritize faculty leadership in efforts to address the larger questions of student success and inter-segmental alignment of curriculum across disciplines and segments alluded to in the response.

For comments or questions:

- *EX – Contact ASCSU/Committee Chair Steven Filling (email: sfilling@mac.com).*
- *FA – Contact Committee Chair Manzar Foroohar (email: mforooha@calpoly.edu).*
- *AA – Contact Committee Chair Catherine Nelson (email: nelsonca@sonoma.edu).*
- *APEP – Contact Committee Chair Denise Fleming (email: denise.fleming@csueastbay.edu).*
- *FGA – Contact Committee Chair Thomas Krabacher(email: krabacherts@csus.edu).*

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3223-15/FA (Rev)
September 3-4, 2015

CALL FOR SUSPENSION OF CSU BACKGROUND CHECK POLICY (HR-2015-08)¹

RESOLVED: That the Academic Senate of the California State University (ASCSU) call for a suspension of the new CSU Background Check Policy (HR-2015-08); and be it further

RESOLVED: That the ASCSU and the Chancellor's Office establish a task force - with the participation of the California Faculty Association (CFA) and the California State Student Association (CSSA) - to study the policy and make recommendations regarding its implementation in terms of such issues as the appropriateness of background checks for specific areas of faculty responsibility on campuses; and be it further

RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU Executive Vice-Chancellor for Academic and Student Affairs, CSU Vice-Chancellor for Human Resources, CSU General Counsel, CSU campus Presidents, CSU campus Senate Chairs, California Faculty Association (CFA), CSU Emeritus and Retired Faculty Association (ERFA), and the California State Student Association (CSSA).

***RATIONALE:** The new CSU Background Check Policy (HR2015-08, effective August 3, 2015) states in part that "the CSU will conduct thorough background checks for all newly hired employees," including "all temporary, probationary, intermittent, and at-will employees. Any current CSU employee who transfers from one campus to another will be considered a new hire. Background checks for all final candidate(s) considered for new hire will include employment verification, education verification, reference checks, and a criminal records check."*

While specific types of background checks are appropriate for specific areas of responsibility, subjecting all new faculty employees to a general background check represents an unwarranted infringement of privacy, potentially resulting in unintended consequences and unwarranted discrimination. In addition, the policy in its present general form does not appear justified by past events.

While the intent of this policy may be to protect the health and safety of the CSU community, the policy, as currently written, may present problems. Campus faculty have embarked upon searches for new faculty for the 2016/17 academic year; the broad application of the policy could prove a deterrent to attracting the strongest and most diverse candidates as well as creating a potentially negative

¹ <http://www.calstate.edu/hradm/pdf2015/hr2015-08.pdf>

perception of work environment and campus climate. The ASCSU has concerns about potential delays in hiring and loss of qualified candidates.

The policy as currently written lacks specificity about who, on any given campus, will make the determination of what information is “sensitive” and/or relevant as well as how to make use of and communicate the information gleaned through background checks. The policy as written does not contain adequate provisions for protecting individuals’ rights to privacy.

In addition, there is a growing tendency nationally to proceed cautiously with background checks. The pending U.S. Senate Bill (SB) 1981 2015, Equal Employment for All Act (authored by Sen. Elizabeth Warren [D-Mass.] and Rep. Steve Cohen [D-Tenn]) calls for a ban on the ability of employers to check the credit history of their employees (http://www.huffingtonpost.com/entry/elizabeth-warren-credit-checks_55f82335e4b09ecde1d9a3eb, accessed Sept. 15, 2015).

More recently, on November 2, 2015, President Obama announced that his administration will require federal agencies to wait until later in the hiring process to check the criminal histories of job applicants. Nineteen states, including California, have some form of such policies (<http://www.vox.com/2015/11/2/9660282/obama-ban-the-box>).

This resolution calls for a joint Chancellor’s Office and ASCSU task force to make recommendations regarding areas of faculty responsibility for which specific types of background checks might be appropriate, establish criteria by which the results of any background check may be used in decisions concerning faculty hires or non-renewal of contingent faculty contracts, and that would contain provisos for protecting personal information.

Approved – November 6, 2015

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3228-15/FA (Rev)
September 3-4, 2015

ADDITION OF A RETIRED FACULTY MEMBER TO THE CSU BOARD OF TRUSTEES

- RESOLVED: That the Academic Senate of the California State University (ASCSU) advocate for the addition of a retired faculty member to the California State University (CSU) Board of Trustees; and be it further
- RESOLVED: That the ASCSU request that the Chancellor's Office support legislation that would amend Section 66602 of the Education Code to include a retired faculty member as a voting member of the CSU Board of Trustees; and be it further
- RESOLVED: That the addition of a retired faculty trustee should not be viewed as a substitute for having a second faculty member serve on the CSU Board of Trustees as called for in [AS-3017-11/EX \(Rev\)](#) - *Addition of a Second Faculty Trustee to the CSU Board of Trustees*; and be it further
- RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU Provosts/Vice Presidents of Academic Affairs, California Faculty Association (CFA), California State Student Association (CSSA), CSU Emeritus and Retired Faculty Association (ERFA), California Assembly Higher Education Committee, and the California Senate Education Committee.

***RATIONALE:** Emeriti faculty members have distinguished themselves in their careers and have institutional memory of the CSU and its students that is of value to the Board. Having an emeritus or emerita trustee on the Board will provide valuable perspective just as having an alumnus/alumna representative on the Board does. This resolution is not intended to imply that the addition of an emeritus or emerita trustee would be a substitute for having a second faculty trustee as delineated in the unanimously approved resolution AS-3017-11/EX (Rev) as it is noted that there are two student trustees as well as an Alumni Trustee.*

Approved Without Dissent – November 6, 2015

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3229-15/FGA (Rev)
September 3-4, 2015

CALIFORNIA STATE UNIVERSITY 2016-17 SUPPORT BUDGET PRELIMINARY PLAN

- RESOLVED: That the Academic Senate of the California State University (ASCSU) commend the California State University (CSU) for its preliminary support budget plan for 2016-17, which recognizes that CSU fiscal needs are significantly greater than those in the governor's multi-year funding plan; and be it further
- RESOLVED: That the ASCSU support the 3% proposed increase for funded enrollment growth; and be it further
- RESOLVED: That the ASCSU strongly urge the Board of Trustees (BOT) to amend the proposed expenditure plan to provide a compensation pool increase for all employees substantially beyond the proposed two percent (2%) indicated; and be it finally
- RESOLVED: That the ASCSU distribute this resolution to Governor Edmund G. Brown Jr., the CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU campus Chief Financial Officers, CSU Provosts/Vice Presidents of Academic Affairs, California Faculty Association (CFA), California State Student Association (CSSA), and the Emeritus and Retired Faculty Association (ERFA).

***RATIONALE:** The preliminary support budget plan reflects the CSU's key funding needs in the areas of mandatory costs, enrollment growth, student success and completion, and facilities/infrastructure.*

The ASCSU strongly supports proposing additional expenditures for funded student enrollment growth. Too many eligible students are denied access to higher education because the university did not have sufficient financial resources from the state to admit them. For example, the Chancellor's Office reports that in 2010 CSU turned away 28,803 eligible students ([Enrollment pdf](#)). Furthermore, a recent report from the [Public Policy Institute of California](#) estimates that in 2030 "the state will fall about 1.1 million college graduates short of economic demand if current trends persist." To close the "workforce skills gap," the authors recommend increasing access to the state's four-year institutions. In addition, recent findings indicate that spending on instruction has a higher salary return for graduates and increases the probability of full-time employment, particularly for more disadvantaged students.

It is well known in the private sector that an organization must offer competitive compensation in order to recruit and retain the very best talent. With respect to employee compensation, the analysis presented by Chancellor White and Vice Chancellor for Human Resources Lori Lamb at the September 8-9, 2015 meeting

of the Board of Trustees provides an overview of the compensation challenges facing the CSU. According to their report (page 1 of 13), “Despite salary increases over the past two-three years, the gap between CSU salaries and other relevant market means persists for several employee groups.” Furthermore, they report that “Longer-serving employees are often further behind the market than recently-hired employees” and that “Employees at the larger campuses are often further behind the market than those at smaller campuses.” As they conclude on page 11, “The issues in salary we have identified cannot be addressed adequately without significant increases in resources available for salary...”. The two percent compensation pools in 2015-16 and 2016-17 are insufficient, particularly in light of the multiple years when longer-serving employees had no cost of living increases and a one year mandatory furlough resulting in a 9-10 percent pay reduction.

Approved – November 6, 2015

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3234-15/EX
November 5-6, 2015

**PRESIDENTIAL SEARCH PROCESS IN THE CALIFORNIA STATE UNIVERSITY
SYSTEM: ANNOUNCEMENT OF FINALISTS AND VISITS TO CAMPUSES**

- RESOLVED: That the Academic Senate of the California State University (ASCSU) reaffirm its position on open and transparent presidential searches expressed in [AS-3035-11/FA](#), *Response to Proposed Changes to the Board of Trustees Policy for the Selection of Presidents: Affirming the Importance of Campus Involvement and Transparency* (September 2011); and be it further
- RESOLVED: That the ASCSU stand in solidarity with the 21 CSU campus senates that have approved resolutions in favor of the public announcement of finalists and official public visits by finalists to campuses; and be it further
- RESOLVED: That the ASCSU urge the California State University (CSU) Chancellor and each Trustees' Committee for the Selection of the President (TCSP) for CSU Channel Islands, CSU Chico, San José State University and Sonoma State University to conduct open and transparent processes for the selection of campus Presidents, that provides for the public announcement of finalists with accompanying official public visits by finalists to campuses; and be it further
- RESOLVED: That, for future Presidential searches, the ASCSU urge the CSU Chancellor and the Board of Trustees (BOT) to revise the current BOT policy to provide for the public announcement of finalists with accompanying official public visits by finalists to campuses; and be it further
- RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, Trustees Committee for the Selection of the President (TCSP) for Channel Islands, TCSP for CSU Chico, TCSP for San José State University, TCSP for Sonoma State University, Advisory Committee to the Trustees Committee for the Selection of the President (ACTCSP) for Channel Islands, ACTCSP for CSU Chico, ACTCSP for San José State University, ACTCSP for Sonoma State University, CSU campus Presidents, CSU campus Senate Chairs, California State Student Association (CSSA) and the Emeritus and Retired Faculty Association (ERFA)

RATIONALE: *In 2011 the CSU Board of Trustees amended the Trustees Policy for the Selection of Presidents to make the public announcement of finalists and official campus visits in presidential searches at the discretion of the Chancellor and Chair of the Trustees Committee for the Selection of the President (TCSP) (<http://www.calstate.edu/datastore/PresidentialSearch.shtml>). At the time, the ASCSU passed [AS-3035-11/FA](#), which advocated for the public announcement of finalists and the preservation of public campus visits by presidential candidates. In 2011, 13 CSU campus senates or their executive committees had also passed*

resolutions or issued statements urging the Trustees to retain public campus visits for finalists in presidential searches, and other campuses had similar resolutions in process. This November 2015 resolution reaffirms the position the ASCSU took in 2011, calls for the public announcement of finalists and public official visits for the four presidential searches being conducted in 2015-16, and urges the Chancellor and Board of Trustees to revise the current policy for the selection of presidents to include the public announcement of finalists and accompanying official public visits to campuses for future Presidential searches.

The ASCSU wishes to re-iterate several of the points made in the 2011 resolution. Provisions of the Trustees policy have significant implications for the nature and selection of a presidential search. The policy expresses a commitment to consultation with campus and community representatives, but rather than mandating an open and transparent search process, which includes the public announcement of finalists and their official public visit to campus, the policy provides that the Chancellor and the Chair of the TCSP together decide whether to schedule campus visits for presidential finalists making the process closed and secretive. (<http://www.calstate.edu/datastore/PresidentialSearch.shtml>). It is worth noting that since the change in the Trustees' Policy for the Selection of Presidents, several searches for Presidents have been conducted, but in none of those searches have there been public announcement of finalists and their official visits to campus.

The argument that a closed and secretive search is necessary otherwise good strong candidates are likely to withdraw if their names are made public, runs counter to the manner in which people move up in the administrative ranks in organizations, especially universities, through open searches and public visits to campuses. Also, a vast majority of organizations and universities realize and are quite comfortable with the natural aspirations of their human resources, indeed encouraging and assisting in their movement to higher ranks.

Closed and secretive searches seem to suffer from other downsides as well. First is the inability of the campus community at-large to appraise the finalists and to find out relevant information about them through both public and private information sources, prior to the final selection and appointment of the President. Negative information about an appointee may not be revealed in a closed search. In one of the presidential searches, the BOT was unwilling to share the information that their preferred candidate was facing a faculty vote of no-confidence at his campus at the very time that the Advisory Committee was making its recommendations to the TCSP/BOT. This breach of transparency poisoned the campus reception of the new President and thus made his job of assuming authority over the campus more difficult. A second downside could be the appointment by the TCSP/BOT of an acceptable candidate as President who was not the preferred/best choice based upon the votes of the Advisory Committee to the TCSP. In such a situation, the best President for the campus could have been disregarded and bypassed, thereby shortchanging the campus of a great leader.

Currently 21 of the 23 CSU campus senates (spreadsheet including link to resolutions is attached) have approved resolutions urging open and transparent presidential searches, which include the public announcement of finalists and their official public visit to campuses. The resolutions have been sent to the Chancellor and Board of Trustees. One more CSU campus senate is considering a resolution with similar sentiments. The ASCSU supports and stands in solidarity with the campus senates and urges the Chancellor and each TCSP for Channel Islands, CSU Chico, San José State University and Sonoma State University to conduct open and transparent search processes requiring finalists for the campus President's position to officially visit campuses and meet with campus community members.

Confidence and satisfaction in the outcome are intricately linked to the type of process followed. Forgoing publicly announcing finalists' names and scheduling official campus visits for them is behavior characteristic of a private corporation rather than a public university. There is a lack of opportunity for full campus community input into the choice of the president. Such a process also means the CSU does not meet the higher standards of transparency and accountability expected of public institutions. As a result, there is likely to be less confidence and satisfaction in the outcome on the part of the university community and the public.

Meaningful consultation means open campus visits where all members of the university community have the opportunity to meet finalists and ask them questions in a public forum. Such visits give the university and public insight into finalists' knowledge of the campus and their ability to unify and lead the students, faculty, staff and administration. They also give finalists insight into the university community they aspire to lead. Such a process builds confidence in the community and satisfaction with the appointment of Presidents who match the culture of the campus, can work to unify the campus and lead it into new directions and greater successes.

Finally, the AAUP website provides a [Presidential Search Committee Checklist](#) to guide institutions in the application of presidential search policies. It emphasizes that:

“open visits are crucial in the success of the search process because they permit members of the campus community to participate in providing impressions, as well as to contribute to the candidate's understanding of the culture of the institution. In this final phase of the selection process, open visits present vitally important opportunities for both the campus community and the candidate to determine each other's suitability. This final step is extraordinarily useful to the search committee in making its final recommendation to the board.”

Approved Unanimously – November 6, 2015

CSU Resolutions on Open Presidential Searches

Campus	Approval	Month/Year	Voting
Bakersfield	Yes	Oct. 2015	Unanimous
Channel Islands	Yes	Oct. 2015	Approved
Chico	Yes	Sept. 2015	Unanimous
Dominguez Hills	Yes	Sept. 2011	Approved
East Bay	Yes	Oct. 2015	Unanimous
Fresno	Yes	Oct. 2015	Unanimous
Fullerton	Yes	Oct. 2015	Unanimous
Humboldt	Yes	Fall 2013	Approved (1)
Long Beach	Yes	Fall 2013	Approved
Los Angeles	Yes	Nov. 2015	Approved
Maritime	Yes	Oct. 2015	Approved (1)
Monterey Bay	Yes	Oct. 2015	Unanimous
Northridge	Consider	Nov. 2015	
Pomona			
Sacramento	Yes	Oct. 2015	Unanimous
San Bernardino	Yes	Oct. 2015	Unanimous
San Diego	Yes	Oct. 2015	Approved
San Francisco	Yes	Oct. 2015	Unanimous
San Jose	Yes	Fall 2013	Unanimous
San Luis Obispo	Yes	Oct. 2015	Approved (1)
San Marcos	Yes	Oct. 2015	Unanimous
Sonoma	Yes	Sep. 2015	Unanimous
Stanislaus	Yes	Oct. 2015	Approved (1)

Numbers in parentheses are 'no' votes.

To access campus Senate resolutions on Presidential searches, please follow this link:

<http://tinyurl.com/CSUPresidentialSearches>

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3235-15/AA
November 5-6, 2015

**CHANCELLOR’S RESPONSE TO AS-3230-15-APEP/AA ESTABLISHING A TASK
FORCE ON THE REQUIREMENTS OF CSU GENERAL EDUCATION (GE)
MATHEMATICS/QUANTITATIVE REASONING (B4) CREDIT**

- RESOLVED: That the Academic Senate of the California State University (ASCSU) reaffirm the primacy of the faculty role in curricular matters as specified in Higher Education Employer-Employee Relations Act (HEERA), articulated in the “Report of the Board of Trustees Ad Hoc Committee on Governance, Collegiality and Responsibility in the California State University,” and embodied in accepted California State University (CSU) shared governance practices; and be it further
- RESOLVED: That the ASCSU express concern about the Chancellor’s Office Response to [AS-3230-15/APEP/AA](#) *Establishing a Task Force on the Requirements of CSU General Education (GE) Mathematics/Quantitative Reasoning (B4) Credit*, which implies that the ASCSU faculty voice is one among many, rather than the most significant, “stakeholder” in curriculum design as it relates to CSU quantitative reasoning requirements; and be it further
- RESOLVED: That the ASCSU urge the Chancellor’s Office to revise its response to clarify the faculty’s primacy over curriculum; and be it further
- RESOLVED: That as the CSU addresses the larger questions about student success and the inter-segmental alignment of curriculum across disciplines and segments alluded to in the Chancellor’s Office Response to [AS-3230-15/APEP/AA](#), the ASCSU urge the CSU administration to prioritize shared governance bodies as the source of leadership, coordination and final recommendation for such efforts; and be it further
- RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, and CSU Provosts/Vice Presidents of Academic Affairs.

***RATIONALE:** The Chancellor’s Office Response to AS-3230-15/APEP/AA agrees with the need for further discussion of the GE B4 quantitative reasoning standard, given the recommendation of the Chancellor’s General Education Advisory Committee that the pilot for the use of alternative pathways for the GE B4 requirement be extended for another three years. The response situates the task force in the context of a transition in math instruction as reflected in the complex and in-flux environment of pre-college instruction, Common Core/Smarter Balance, intersegmental alignment and transfer, and student success. It ends with the statement, “In view of the range of issues and stakeholders, we expect that there will be other groups adding to this discussion.*

The work of the proposed Task Force will make an important contribution to the overall review of the subject and its future direction.”

The ASCSU appreciates the Chancellor’s Office recognition of the significance of the task force and the work it will undertake. However, the overall response and especially the last two sentences of their response can be interpreted to mean that the faculty is only one of many groups that will impact the discussion of GE B4 quantitative reasoning standards and the larger conversation about math instruction currently underway. Consistent with HEERA and CSU shared governance practices, the faculty should be the most important voice in such curricular and academic standard discussions.

Full text of Chancellor’s Office Response to AS-3230-15/APEP/AA available at:
http://www.calstate.edu/AcadSen/Records/Resolutions/co_response/documents/September3-42015ASCSUCSUCO_Responses.pdf

HEERA, Section 3561 is available at: <http://www.perb.ca.gov/laws/heera.aspx>

Report of the Board of Trustees Ad Hoc Committee on Governance, Collegiality and Responsibility in the California State University (September 1985) is available at:
https://web.csulb.edu/divisions/aa/grad_undergrad/senate/governance/documents/rpt2BOT-collegialityresponsibility.pdf

Approved – November 6, 2015