

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 8:30 a.m., Wednesday, March 20, 2019
Glenn S. Dumke Auditorium

Hugo N. Morales, Chair
Silas H. Abrego, Vice Chair
Rebecca D. Eisen
Douglas Faigin
Debra S. Farar
Jean P. Firstenberg
Lillian Kimbell

Consent

1. Approval of Minutes of the Meeting of January 23, 2019, *Action*

Discussion

2. Executive Compensation: President – California State University, Fullerton, *Action*
3. Executive Compensation: President – California State University San Marcos, *Action*
4. Approval of Recommended Revisions of Title 5, California Code of Regulations, Article 4.2, Catastrophic Leave Donation Program, *Action*
5. Recommended Amendment to Presidential Selection Policy, *Action*

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

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

January 23, 2019

Members Present

Silas H. Abrego, Vice Chair
Rebecca D. Eisen
Douglas Faigin
Debra Farar
Jean Picker Firstenberg
Lillian Kimbell
Adam Day, Chairman of the Board
Timothy P. White, Chancellor

Trustee Abrego called the meeting to order.

Public Comment

The committee heard from four individuals during the public comment period addressing concerns about the proposed revisions to Title 5, Catastrophic Leave Donation Program and the long-lasting effects on the impacted employees and campuses in the aftermath of the recent fires.

Recommended Revisions of Title 5, California Code of Regulations, Article 4.2, Catastrophic Leave Donation Program

Ms. Evelyn Nazario, Vice Chancellor of Human Resources, presented information on proposed revisions to Article 4.2 of Title 5 which addresses the Catastrophic Leave Donation Program. It was stated the revisions are mainly in response to the devastating wildfires we have experienced for the past two years. The proposed revisions include expanding the current catastrophic leave donation program to include catastrophic leave for a natural disaster/state of emergency; which will align CSU with other state agencies, provide more flexibility to our presidents in managing their workforce needs and will provide CSU employees who have experienced a major catastrophe with support during unprecedented difficult times. Vice Chancellor Nazario also stated that they

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are currently exploring the viability for employees to be able to donate leave credits across campuses for catastrophic leave for future action.

There was a discussion regarding the proposed revisions. Based upon the discussion among the committee members, as well as comments from the public, a revised proposed amendment will be presented for action at the March 2019 Board of Trustees meeting.

Trustee Abrego adjourned the committee meeting.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: President – California State University, Fullerton

Presentation By

Timothy P. White
Chancellor

Summary

This action item establishes the compensation for Mr. Framroze Virjee as president of California State University, Fullerton.

Background

The CSU Board of Trustees is pleased to present Mr. Framroze (Fram) Virjee as the next president of California State University, Fullerton (CSUF). Mr. Virjee has been serving as campus president under a term appointment since January, 2018 and will assume the permanent presidency immediately.

Virjee becomes the sixth permanent president of CSUF. He succeeds Mildred García who was appointed president of the American Association of State Colleges and Universities (AASCU) in November, 2017. Virjee was subsequently appointed by CSU Chancellor Timothy P. White to serve as president of CSUF until the next president was appointed by the Board of Trustees, and he has served in that capacity since García's departure.

From January 2014 through December 2017, Virjee served as executive vice chancellor, general counsel and secretary to the CSU Board of Trustees. In that capacity, Virjee led a staff of attorneys, paralegals and support personnel, and oversaw all legal services for the 23-campus CSU. Virjee also served as chief legal officer to the Board of Trustees, advising them on all legal issues including open meeting laws, board rules and procedures and education code compliance.

Prior to joining CSU, Virjee was a partner in private practice for almost 30 years at O'Melveny & Myers, the oldest law firm in Los Angeles and one of the largest in the nation. At O'Melveny, Virjee specialized in labor and employment law with an emphasis in representing educational institutions in the areas of collective bargaining, education code compliance, and discrimination and employment litigation. Virjee's practice included representing employers in employment litigation, providing preventative advice through client counseling, policy and procedure review and drafting, and extensive in-house training and education on important labor and employment issues. Virjee also served in several leadership positions at O'Melveny, including Secretary to the Management Committee, Chair of the Employment Committee, and the Partner-in-Charge of both Lateral Hiring and Diversity.

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Virjee graduated summa cum laude, earning a bachelor's degree in political science and sociology from the University of California, Santa Barbara. He earned his J.D. cum laude from the University of California Hastings College of the Law.

Executive Compensation

Chancellor White recommends that Mr. Framroze Virjee receive an annual salary of \$367,124 effective immediately as president of California State University, Fullerton. This is the same salary as his current president term appointment. Additionally, Mr. Virjee will be required to live in the university's presidential residence located in Fullerton, California, as a condition of his employment as president.

In accordance with existing policy, Mr. Virjee will receive the following benefits:

- An auto allowance of \$1,000 per month;
- Standard benefit provisions afforded CSU Executive classification employees;
- An executive transition program provided he meets the eligibility requirements passed by the Board of Trustees on November 15, 2006 (RUF 11-06-06); and
- Reimbursement for actual, necessary and reasonable moving and relocation expenses.

Mr. Framroze Virjee will hold the academic rank of full professor with tenure, subject to faculty consultation, in the College of Business and Economics.

Chancellor White recommends the trustees approve the salary for the next president of California State University, Fullerton, Mr. Framroze Virjee.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Mr. Framroze Virjee shall receive a salary set at the annual rate of \$367,124 effective the date of his appointment as president of California State University, Fullerton; and be it further

RESOLVED, that Mr. Framroze Virjee shall receive additional benefits as cited in Item 2 of the Committee on University and Faculty Personnel at the March 18-20, 2019 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: President – California State University San Marcos

Presentation By

Timothy P. White
Chancellor

Summary

This action item establishes the compensation for Dr. Ellen J. Neufeldt as president of California State University San Marcos.

Background

The CSU Board of Trustees is pleased to present Dr. Ellen J. Neufeldt as the next president of California State University San Marcos (CSUSM). It is expected that Dr. Ellen J. Neufeldt will assume her presidency on or before July 1, 2019.

Dr. Neufeldt becomes the fourth president of CSUSM. She succeeds Karen Haynes who will be retiring at the end of June, 2019 after serving as CSUSM president for 16 years.

Neufeldt has served as a vice president of student engagement and enrollment services at Old Dominion University (ODU), in Norfolk, Virginia since 2011 where she leads the areas of student engagement, student success enrollment services, government relations, institutional research, marketing and public relations. Her previous higher education leadership roles include service as vice president of student affairs at Salisbury University and assistant vice chancellor for student development and dean of student life at the University of Tennessee at Chattanooga where she also served as the assistant dean of students.

Neufeldt earned a bachelor's degree in business administration, and a master's in educational psychology and counselor education from Tennessee Technological University, and a doctorate of education from the University of Tennessee, Knoxville.

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Executive Compensation

Chancellor White recommends that Dr. Ellen J. Neufeldt receive an annual salary of \$336,719 effective on or before July 1, 2019 the date of her appointment as president of California State University San Marcos. This is the same salary as the current president. Additionally, Dr. Ellen J. Neufeldt will receive an annual housing allowance of \$60,000.

In accordance with existing policy, Dr. Neufeldt will receive the following benefits:

- An auto allowance of \$1,000 per month;
- Standard benefit provisions afforded CSU Executive classification employees;
- An executive transition program provided she meets the eligibility requirements passed by the Board of Trustees on November 15, 2006 (RUF 11-06-06); and
- Reimbursement for actual, necessary and reasonable moving and relocation expenses.

Dr. Ellen J. Neufeldt will hold the academic rank of full professor with tenure, subject to faculty consultation, in the College of Education, Health and Human Services.

Chancellor White recommends the trustees approve the salary for the next president of California State University San Marcos, Dr. Ellen J. Neufeldt.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Dr. Ellen J. Neufeldt shall receive a salary set at the annual rate of \$336,719 and an annual housing allowance of \$60,000 effective the date of her appointment as president of California State University San Marcos; and be it further

RESOLVED, that Dr. Ellen J. Neufeldt shall receive additional benefits as cited in Item 3 of the Committee on University and Faculty Personnel at the March 18-20, 2019 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Approval of Recommended Revisions of Title 5, California Code of Regulations, Article 4.2, Catastrophic Leave Donation Program

Presentation By

Evelyn Nazario
Vice Chancellor
Human Resources

Summary

It is proposed that Article 4.2 of Title 5 which addresses the catastrophic leave donation program be revised to: (a) update Section 42930 to include catastrophic leave for natural disasters/state of emergency; (b) update Section 42931 to include the definition of catastrophic leave for natural disasters/state of emergency; (c) update the participation and eligibility requirements as defined in Section 42932; and (d) update the donation criteria as defined in Section 42933.

These revisions to Title 5 are proposed to expand the current Catastrophic Leave Donation Program to include Catastrophic Leave for a Natural Disaster /State of Emergency declared by the Governor. This benefit would be available to an employee who faces financial hardship because the employee has exhausted all accrued personal holiday credits and compensating time off, and has a balance of forty (40) hours or less in each accrued vacation credits and accrued sick leave credits, and is unable to work due to the effect of a natural disaster on the employee's principal residence.

Additionally, it is proposed that Article 4.2 be revised to include that the president of each campus, subject to the approval of the Chancellor, has the authority to make exceptions to the prescribed policy for the purpose of responding to other catastrophic occurrences of comparable impact and/or to expand the benefits of the prescribed policy when compelling and unusual circumstances exist. These revisions to Title 5 are proposed to expand the current Catastrophic Leave Donation Program to include Catastrophic Leave for a Natural Disaster/State of Emergency declared by the Governor.

Background

This agenda item would revise Article 4.2 of Title 5, which addresses the Catastrophic Leave Donation Program to (a) update Section 42930 to include catastrophic leave for natural disasters/state of emergency; (b) update Section 42931 to include the definition of catastrophic leave for natural disasters/state of emergency; (c) update the participation and eligibility requirements as defined in Section 42932; and (d) update the donation criteria as defined in Section 42933.

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Additionally, this agenda item would revise Article 4.2 to include that the president of each campus, subject to the approval of the Chancellor, has the authority to make exceptions to the prescribed policy for the purpose of responding to other catastrophic occurrences of comparable impact and/or to expand the benefits of the prescribed policy when compelling and unusual circumstances exist.

Recommended Action

Adoption of Resolution

Proposed Revision

The following resolution is recommended for adoption:

RESOLVED, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends its regulations in Article 4.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

Title 5, California Code of Regulations
Division 5 – Board of Trustees of the California State Universities
Chapter 1 – California State University
Subchapter 7 – Employees
Article 4.2 – Catastrophic Leave Donation Program

§ 42930. Purpose.

An employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to another employee on the same campus, or, for employees in the Office of the Chancellor, to another employee in the Office of the Chancellor. To qualify for catastrophic leave for catastrophic illness or injury, the recipient employee shall have exhausted all accrued leave credits due to catastrophic illness or injury as defined in this Article. ~~that has totally incapacitated the employee from work.~~ “Accrued leave credits” include credits for sick leave, vacation, personal holiday and compensating time off. To qualify for catastrophic leave for a natural disaster/state of emergency, the recipient employee whose principal residence has been affected by a declared natural disaster/state of emergency, as defined in Section 42931, shall have exhausted all accrued personal holiday credits and compensating time off, and have a balance of forty (40) hours or less in each accrued vacation credits and accrued sick leave credits.

The president of each campus, subject to the approval of the Chancellor, has the authority to make exceptions to the prescribed policy for the purpose of responding to other catastrophic occurrences of comparable impact and/or to expand the benefits of the prescribed policy when compelling and unusual circumstances exist.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42931. Definition of Catastrophic Illness or Injury and Catastrophic Leave for a Natural Disaster/State of Emergency.

A catastrophic illness or injury is one which has totally incapacitated the employee from work. Catastrophic illness or injury may also include an incapacitated member of the employee’s family, if this results in the employee’s being required to take time off for an extended period of time in order to care for the family member and the employee has exhausted all of accrued vacation credits and all accrued sick leave credits which may be used for family care. Only donated vacation credits may be used for such family care catastrophic leave.

Catastrophic leave for a natural disaster/state of emergency is leave for an employee whose principal residence is located in a county where a state of emergency has been declared by the Governor, is unable to work due to the effect of the natural disaster/state of emergency on the recipient employee’s principal residence, and who faces financial hardship because the employee has exhausted all accrued personal holiday credits and compensating time off, and has a balance of forty (40) hours or less in each accrued vacation credits and sick leave credits.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42932. Participation and Eligibility.

An employee, the employee's representative or the employee's family member shall request participation and provide appropriate verification ~~of illness or injury~~ as determined by the employee's appointing authority. The appointing authority shall determine eligibility to receive donations of vacation and sick leave credits based upon the definitions provided in this Article. An incapacitated employee may elect to defer a request to participate during a period of Industrial Disability Leave eligibility.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

§ 42933. Donation.

(a) Only vacation and sick leave credits may be donated in increments of one hour or more. ~~For catastrophic illness or injury, Employees may donate a maximum of forty (40) hours of accrued leave credits per fiscal calendar year in increments of one hour or more. For catastrophic leave for a natural disaster/state of emergency, there is no maximum limit that an employee can donate as long as the employee maintains a balance of forty (40) hours of vacation leave credits and forty (40) hours of sick leave credits per calendar year.~~ Donations are irrevocable. Donated leave credits may be used to supplement Industrial Disability leave, Nonindustrial Disability Insurance or Temporary Disability payments upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

(b) The total donated leave credits an employee can receive shall normally not exceed an amount necessary to continue the employee for three calendar months calculated from the first day of catastrophic leave. The appointing authority may approve up to an additional three-month period in exceptional cases. The leave credits shall not be deemed donated until actually transferred by the appointing authority's recordkeeper to the record of the employee receiving leave credits. Such transfer shall be accomplished at ~~the~~ the end of a pay period, and credits shall be transferred in the order of the dates actually pledged.

(c) For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the disability for catastrophic leave for illness or injury or the date the employee begins catastrophic leave for a natural disaster/state of emergency.

(d) Unused donated leave credits may not be used to receive service credit following a service or disability retirement.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revisions will not impose a cost or savings on any state agency; and will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And, be it further

RESOLVED, That the Board of Trustees delegates to the Chancellor of the California State University authority to further adopt, amend, or repeal this revision pursuant to the Administrative Procedure Act if further adoption, amendment, or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Recommended Amendment to Presidential Selection Policy

Presentation By

Evelyn Nazario
Vice Chancellor
Human Resources

Summary

This action item is a recommendation to increase the student representation on the Advisory Committee to the Trustees for the Selection of the President (ACTCSP). The proposed change increases the number of students serving on the ACTCSP from one to two. This change will require a revision to the existing Board of Trustees Policy for the Selection of Presidents.

Background

The existing Board of Trustees Policy for the Selection of Presidents was established and approved at the September 2011 board meeting upon a recommendation of the special committee created to adopt a new policy.

The proposed policy revision, which is shown in Attachment A, would increase the number of students serving on the ACTCSP from one to two, and will broaden the student voice during the presidential selection process. As stated in the policy, the two students are to be selected by the duly constituted representatives of the campus student body, according to procedures established by each campus.

Recommended Action

The following resolution is recommended for approval:

RESOLVED, By the Board of Trustees of the California State University, that the Board of Trustees Policy for the Selection of Presidents shall be amended as reflected in Attachment A to agenda item 5 of the Committee on University and Faculty Personnel at its March 18-20, 2019 meeting, so that two students shall now be selected to serve on the ACTCSP. The amended policy shall apply prospectively to any newly-constituted ACTCSP.

Board of Trustees Policy for the Selection of Presidents

Responsibility for Appointment of Presidents

The Board of Trustees of the California State University, in partnership with the Chancellor, is responsible for the recruitment, selection and appointment of CSU campus presidents. There is a deep commitment throughout the process to the principles of consultation with campus and community representatives and diversity. The ultimate decision and responsibility for the transition of executive leadership rests with the Board. The Chancellor designates staff to support the process.

The Trustees Committee for the Selection of the President

The Chair of the Board appoints a Trustees Committee for the Selection of the President (TCSP) for any campus with an impending vacancy. The TCSP is composed of the Chair of the Board, four Trustees, and the Chancellor. The Chair designates a Trustee as chair of the TCSP.

The TCSP determines the attributes desired for a successful candidate, approves the final campus and job descriptions, and any advertising copy, and reviews and interviews candidates. Although the TCSP is the ultimate body to make the final decisions, including the advancement of candidates to the full Board, the process is to be conducted in a manner that includes the campus representatives. The Chancellor may indicate his or her ranking of final candidates before the Board. The Board Chair and the Chancellor may use executive search firms to assist on specific tasks related to the selection process. The Chancellor is responsible for background and reference checks of the final candidates advanced to the Board.

The Advisory Committee to the Trustees Committee for the Selection of the President

The Chair of the Board also appoints an advisory group to the TCSP, known as the Advisory Committee to the Trustees Committee for the Selection of the President (ACTCSP). The ACTCSP is composed of the Chair of the Academic Senate on the campus, two faculty representatives selected by the campus faculty, one member of the campus support staff selected by the staff, ~~one~~ **two** students selected by the duly constituted representatives of the campus student body, one member of the campus Advisory Board selected by that board, one alumnus/alumna of the campus selected by the campus Alumni Association, and one Vice President or academic Dean from the campus, and the President of another CSU campus selected by the Chancellor. Each of the campus representatives shall be determined according to procedures established by the campus. If the campus has a standing policy on campus representation to the ACTCSP that does not call for open election by each constituency, that policy shall be reviewed at the start of a new presidential search, and ratified or amended. The Chair of the Board or the Chancellor may appoint up to two additional members from constituent groups to the ACTCSP to strengthen its capacity to cope with the complex requirements of a specific search, including diversity of the campus, the service area or the state.

The ACTCSP provides advice and consultation regarding the position and campus descriptions and any advertisement of the position. Members of the ACTCSP may also suggest potential candidates with the leadership qualities, administrative ability, academic qualities and other talents appropriate to the position. The ACTCSP reviews and comments on all candidate applications, participates in candidate interviews and the deliberations that lead to the selection of the final candidate(s). The consultative procedures are to be conducted in a manner designed to generate confidence in the selection process and garner local support for the eventual appointee.

Confidentiality and Professionalism

To ensure that the search process respects the professional needs of candidates and is conducted with integrity, strict confidentiality must be maintained by members of the TCSP and the ACTCSP, the Chancellor and staff. Only the Chair of the TCSP or the Chancellor will act as spokesperson for the committees during the presidential search process. After providing a notice of violation and an opportunity for a meeting, the Chair may dismiss a member of the TCSP or the ACTCSP if confidentiality is determined by the Chair to have been violated, or if the behavior of a member is determined by the Chair to have been unethical, unprofessional, disruptive to the conduct of business, or if a member is determined by the Chair to have ignored or failed to follow these rules and procedures.

The Presidential Selection Process

The TCSP meets initially, together with the ACTCSP, to discuss the needs of the campus, and the desired attributes of the new President. The committees also receive information from the campus and the community on these subjects. After these initial sessions, advertising copy is developed, candidates are invited to submit applications, and a broad pool is developed. The Chancellor and the Chair of the TCSP confer and evaluate whether any additional internal CSU candidate(s) is/are a good fit for the position to be added to the pool and considered for the position. The TCSP and the ACTCSP then meet again, review all candidates and decide whether to interview internal candidates, internal and external candidates, or external candidates. After consultation with the TCSP and the ACTCSP, the Chancellor and the Chair of the TCSP determine whether to schedule campus visits, which are optional, or to schedule campus visits on a modified basis, depending on the circumstances of the search.

Deviations from These Procedures

The Board of Trustees will normally confine itself to the names presented by the TCSP. In rare instances and for compelling reasons, the Board reserves the right if, in its judgment, circumstances warrant to depart from the recommended candidate(s) or from the procedures outlined in this policy.