MINUTES OF THE PERSONNEL COMMITTEE

CALIFORNIA STATE UNIVERSITY, FRESNO

5200 North Barton Avenue, MS#ML34

Fresno, CA 93740-8014

Office of the Academic Senate

Ext. 8-2743

# October 1, 2020

Members Present: Alexandrou, Baum, Hopson-Walker, Low, Moore, Nguyen, Rivera, Vitali

Absent: ASI rep

Members Excused:

**Meeting called to order by Chair David Low at 9:06.**

1. Minutes – MSC to approve minutes of 9/24/20.
   1. Vitali moves, Nguyen seconds, motion passes unanimously.
2. Agenda – MSC to approve agenda of 10/1/20.
   1. Hopson-Walker moves, Vitali seconds, motion passes unanimously.
3. Communications and Announcements
   1. Committee member updates/open discussion
      1. 2020-21 may be a “lost year” for many K-12 students in terms of knowledge generation. This may become an issue at a later stage since the CSU cannot offer remedial course offerings. There could be knowledge gaps and/or confidence gaps in incoming students, especially in terms of hands-on/lab-type work.
         1. Admitting students following a gap year? Segueing them into f2f.
         2. Living through 2020 also presented students with critical learning opportunities. What specialized knowledge did K-12 students generate during 2020 that they might not have otherwise?
         3. Knowledge gaps/opportunities will be differently felt across disciplines.
   2. Notes from Senate meeting on 9/28:
      1. Department of Chemistry’s name change was approved without debate or vote. (Consent calendar)
      2. Chancellor White will be initiating the consultation process for finding our next President.
      3. Budget presentation (Castro/Adishian-Astone):
         1. We’ve had to reduce state-funded budget by $13.6 million. Loss of auxiliary revenue. Anticipating losses in athletic sector. Trying to maintain academic quality.
         2. No faculty layoffs planned (2020-21). Operational / MPP reductions. Anticipate other actions.
         3. Protecting support structure for students in-and-out of the classroom
         4. As a university, we ended 2019-20 fiscal year with a surplus (across all divisions and w/ additional sources of money factored in) of approx. $10.7 million. ($5 million carry-forward balance in Academic Affairs.)
            1. Rainy day fund/reserves may be allocated back to some divisions for 2020-21 based on need.
            2. $2 million to pay down Academic Affairs deficit reserve.
            3. Total university reserve < $10 million
         5. 2020-21 Summary
            1. Permanent base budget reduction of $13.6 million (could last 2-3 more years)
            2. Phase 1 reductions –> eliminated 18 MPP positions and 15% operating expense reduction (8.5 million saved)
            3. Phase 2 reductions –> additional 10% operating expense reduction (bringing it to a 25% overall reduction)
            4. No impact to current faculty positions.
            5. Difficult decisions about campus operations and certain staff positions that aren’t needed for virtual operations.
            6. Make the benefits pool stable/sustainable (during hiring slowdown) based on increasing health insurance costs

Hiring freeze should lower the benefits by a bit.

* + - * 1. University currently fields 21 athletic teams and may be looking to cut several to reduce expenses. Athletics programs’ revenues are down (ticket sales, multimedia rights, donations, etc.) Football and basketball are planning to compete.
        2. Tuition reserve allocations are our only unallocated money to look to in the event of unforeseen circumstances.
        3. Will Pres. Castro take a stand against faculty furloughs at the upcoming BOT meeting? There are many vulnerable untenured and adjunct faculty. As Chancellor, would he take a pay cut in solidarity with faculty?

Pres. Castro: It all depends on Governor’s budget in January. As Chancellor, Castro intends to stay in close touch with Governor and Legislators. Castro’s hope is that we won’t even have to entertain furloughs. The lion’s share of reductions will be MPP reductions. Castro’s other hope is no salary reductions for anybody.

In terms of a possible furlough, Castro isn’t sure if it would be pay decrease or time decrease.

1. New Business
   1. APM 415 – Student Grievances (beyond Title IX and DHR)

***Note:*** *This topic emerged from our earlier discussions of APM 322 – Policy on Assessment of Teaching Effectiveness*

* + 1. Last year went through AP&P for repeal. There was pushback from Senators who identified conflicts in the APM in terms of processes.
    2. Should have come up in context of ombudsperson discussion.
    3. Resource list already exists on Title IX website. Including this list in the emailed instructions on student evaluations might get pushback.
    4. Chair’s role when receiving a student complaint is to 1) determine whether the complaint is valid and rises to the level of discipline (can be placed in PAF as non-disciplinary information or become a letter of reprimand), 2) alert faculty that student(s) are being caused discomfort.
       1. Faculty have First Amendment rights but also must maintain the professional responsibilities of the classroom. If acting within the scope of your employment, faculty are protected by the university. If the scope diverges, additional counsel can be attained.
       2. Tenured faculty have property rights and the right to due process (including appeals). Arbitration, settlements.
    5. **As to whether we should get in touch with Student Ratings Subcommittee to adapt the instructions students receive when completing their faculty evals:** 
       1. **If we feel the instructions need to be addressed/updated, we can address this in Personnel Committee first.**
       2. **Currently, chairs and faculty see students’ comments. Comments don’t go into PAF (only numeric scores do). Deans see numeric scores only.** 
          1. **If a student leaves their name on the form, they can be reached out to in order to file a formal complaint.**
       3. **We can have Carolyn Coon (Interim VP for Student Affairs) talk to the Personnel Committee.**
  1. Research, Teaching, Service tracks for faculty positions
     1. This was a taskforce proposal. It hasn’t been moved forward through Budget Committee.

1. Old/Continuing Business

APM 327, Tenure and Promotion to Full

* + 1. Overview of discussion points:
       1. Clarifying the language 🡪 APM 327, CBA Art. 14.2
          1. APM 327.III.A states that “Probationary faculty shall not be promoted to the rank of Professor. Normally, a faculty member is eligible to be considered for Promotion in the fifth year following promotion to Associate Professor (with the promotion becoming effective at the start of the sixth year). Anything less than this five-year period would be considered an “early” consideration, as described in Section IV.)” This seems fairly cut-and-dry. However, we have conflicting language later in APM 327.III.A which states: The period of review shall be the period since the faculty member’s last promotion or, in the case of those with an initial appointment at the Associate Professor rank, the period from initial appointment on this campus. 15 In this case, footnote 15 says: “At the time of the application, the Associate Professor must be either tenured or applying for tenure.”
          2. When was footnote 15 added to APM 327? (which amended version?)

Reach out to Tom, Venita, Diane for past iterations of APM 327.

A previous AVP may have added the footnotes, which are not considered an official part of the APM. (Where is it stated that footnotes are merely apocryphal?)

* + - 1. **Marsha reached out to Chancellor’s Office for clarification and learned that the faculty in question will be allowed to move forward to Full professor. The language in the CBA doesn’t prohibit someone from going up for promotion to Full and going up for tenure at the same time. This happens at other CSU campuses as well.** 
         1. **Questions remain about regular vs. exemplary standards for early promotion.**
         2. **Chancellor’s Office is planning to clarify language in the CBA moving forward.**
         3. **The Personnel Committee is free to continue this conversation in more depth to decide what we as a faculty want the process to look like.**
  1. Conflict of Commitment
     1. For discussion: How best to ascertain whether a faculty member’s outside work negatively impacts their job performance?
        1. Periodic review/audit
           1. Faculty must document their work outside the university.
           2. Some chairs have a “reluctance to document” behaviors that are problematic.
           3. **Marsha is looking at other universities’ language concerning conflict of commitment.** **If Marsha finds language that can expand our policies while still adhering to CBA, she will bring this to the committee.**
  2. Local K-12 school districts returning (in any capacity) to face-to-face schooling
     1. **This could impact FFCRA eligibility.**
        1. **If a school or daycare provider is no longer closed, a faculty member is no longer eligible for FFCRA. Substitute contracts will be terminated and faculty members will come back to teaching their class. If doing so is deemed too disruptive, the university can look for other work the faculty member can perform. Determinations will be made on a case-by-case basis.** 
           1. **What about schools that allow for two models (face-to-face or online modalities)? Are faculty still entitled to FFCRA if they are making a choice not to send their child to school.**

**Likely no. If the parent is making a choice to keep their child in the online option, they would likely lose FFCRA eligibility. This hinges on whether the school is considered “closed” or not.**

* 1. APM 320 – Policy on the Composition of Search Committees for Designated Administrative Positions
     1. David sent a memo to Tom Holyoke asking for our revision to be added to the docket. It will first go to Academic Senate Executive Committee.
  2. The Committee has tabled our discussion of the university’s identity post-COVID (i.e. will we be a face-to-face regional campus or an online university whose faculty and staff can live wherever and work remotely?) until at least the Spring semester. It is premature to begin writing a position statement or policy.

1. Motion to adjourn at 10:16. Motion passes.