

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 8:00 a.m., Wednesday, May 22, 2024
Glenn S. Dumke Auditorium

Larry L. Adamson, Chair
Jean Picker Firstenberg, Vice Chair
Diana Aguilar-Cruz
Douglas Faigin
Lillian Kimbell
Jack McGrory
Yammilette Rodriguez
Christopher Steinhauser

- Consent**
1. Approval of Minutes, *Action*
 2. Policy on Compensation, *Action*
 3. Policy and Procedures for Review of Presidents, *Action*
- Discussion**
4. Executive Compensation: President– California State University, Fullerton, *Action*
 5. Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services, *Information*
 6. Update on Employee Relations: Response to Other Conduct of Concern, *Information*
 7. Executive Compensation: FY 2023-2024 Executive Salary Increases, *Action*
 8. Executive Compensation: Triennial Performance Reviews – Equity Adjustments, *Action*

**MINUTES OF THE MEETING OF THE
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 27, 2024

Members Present

Larry L. Adamson, Chair
Jean Picker Firstenberg, Vice Chair
Diana Aguilar-Cruz
Douglas Faigin
Lillian Kimbell
Jack McGrory
Lateefah Simon
Christopher Steinhauser

Wenda Fong, Chair of the Board
Mildred García, Chancellor

Public Comment

All public comments took place at the beginning of the meeting's open session, prior to all committees.

Trustee Larry L. Adamson called the meeting to order.

Before proceeding, Trustee Adamson announced that items 6 and 10 were removed from the committee's agenda. He also noted that the order of the discussion agenda changed, and the committee would begin with item 11.

Approval of the Consent Agenda

The consent agenda was approved unanimously by a roll call vote. The minutes from the meeting of January 31, 2024 were approved as submitted.

Agenda Item 2, CSU Salary Schedule, was approved as submitted (RUF 03-24-02).

Agenda Item 3, Employment Policy Governing Administrator Employees' Option to Retreat, was approved as submitted (RUF 03-24-03).

Agenda Item 4, Employment Policy Governing Employee References, was approved as submitted (RUF 03-24-04).

Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Vice Chancellor for Human Resources Leora D. Freedman introduced Hayley Schwartzkopf, Associate Vice Chancellor for Civil Rights Programming and Services. Ms. Schwartzkopf presented a status report on the CSU's civil rights programs and services.

A comprehensive communications strategy for the university's Civil Rights initiatives is underway in collaboration with Vice Chancellor for External Relations and Communications Greg Saks. Recruitment efforts continue for three systemwide directors, five civil rights attorneys, and two administrative support team members.

The team continues to develop written guidance documents. Since the last report, the California State Auditor has determined that the first audit recommendation has been fully implemented. The annual report survey questions were distributed to campuses in March, and campuses will submit their annual reports by October 1, 2024 as required by CSU's nondiscrimination policy. Guidance related to documentation and recordkeeping protocols and corrective and disciplinary action is expected to be issued shortly.

Guidance regarding other conduct of concern is being finalized and will be shared with the Chancellor's Civil Rights Oversight Committee; the board will be updated at a future meeting.

The Civil Rights team is in the process of presenting campus-specific implementation plans to the chancellor. Upon approval, each campus will post its final report online; completion is expected in the summer.

The four systemwide directors (two interim) are providing day-to-day oversight and guidance to the campuses, and they are tracking the number and nature of the consultations to identify patterns and trends for additional guidance and consistency.

Training was provided to the AVPs for Human Resources and Faculty Affairs; University Counsel Ruth Jones gave a presentation on race, national origin discrimination, Title VI and CSU policy to presidents and other units; and progress continues towards securing a unified case management system.

Trustee comments included the need to clearly communicate to all stakeholders the work that is being done; clarification of campus and systemwide roles; inclusion of data in future reports; a scorecard to simplify progress updates.

(NB: The reports from Cozen O'Connor's Institutional Response Group and the California State Auditor are available on the CSU's Title IX web site at:
<https://www.calstate.edu/titleix/Pages/cozen-title-ix-assessment.aspx>.)

Executive Compensation: President – California State University, Stanislaus

Chancellor Mildred García recommended an annual salary of \$370,319 for Dr. Britt Rios-Ellis effective July 1, 2024, the date of her appointment as president of California State University, Stanislaus. An annual housing allowance of \$50,000 and monthly auto allowance of \$1,000 were also recommended. The salary, housing, and auto allowances are the same as those received by the former president. The resolution was unanimously passed by a roll call vote (RUF 03-24-05).

Executive Compensation: Other Salary Increases

Chancellor Mildred García recommended a 10% temporary salary increase for Executive Vice Chancellor Steve Relyea for the period of December 30, 2023 through February 11, 2024. Mr. Relyea provided leadership and oversight to the division of External Relations and Communications from the time the administrator-in-charge retired in December 2023 until the new vice chancellor of external relations and communications assumed the role last month. The resolution was unanimously passed by a roll call vote (RUF 03-24-06).

Compensation Policy Update

With Agenda Items 8 and 9, Vice Chancellor for Human Resources Leora D. Freedman presented information on recommended revisions to the Policy on Compensation and to the Policies and Procedures for Review of Presidents. She began by explaining that presidential compensation is currently addressed in four documents: 1) the 2019 Compensation Policy; 2) the 2020 Presidential Review Policy; 3) UFP Agenda Item 2 from the September 2021 board meeting and 4) a PowerPoint shared during the September 2021 meeting.

Revisions proposed by Chancellor's Office staff will move all compensation-related policy language into one document; streamline the process so that presidential market increases are presented for board approval once a year (in July) and are effective July 1; and reassess presidential compensation market data every five years. Specific changes to the Presidential Review Policy were shared in the next agenda item.

Vice Chancellor Freedman shared the relevant policy language from the four separate documents. She then summarized the salary assessment process and the market formula matrix approved by the trustees in September 2021. Chancellor's Office staff recommends moving all compensation-related language into the Compensation Policy. Staff also recommends changing the effective

date of presidential market salary increases from the president's anniversary date (as noted in the Presidential Review Policy) to July 1.

The recommended changes will require revisions to the Compensation Policy and the Presidential Review Policy. The proposed draft Compensation Policy was provided in Attachment A and Attachment B reflected a mark-up version. Draft and mark-up versions of proposed changes to the Presidential Review Policy were included in the following agenda item.

The final proposed policies are expected to be presented for board action at the May meeting.

Presidential Review Policy Update

Vice Chancellor for Human Resources Leora D. Freedman noted that this item (Agenda Item 9) proposed revisions to the Presidential Review Policy that align with recommended revisions to the Compensation Policy presented in the previous agenda item. This item also proposed revisions to presidential review criteria recommended by a work group formed in 2023 by Chancellor Emerita Jolene Koester.

Revisions to the Presidential Review Policy proposed by Chancellor's Office staff will remove language about presidential salary assessments (in Section IV) and note instead that the Compensation Policy governs presidential salary assessments (Section II of the Presidential Review Policy).

Revisions proposed by the work group formed by Chancellor Emerita Koester are to the wording of the criteria for presidential review. Members of the work group were Chair Wenda Fong, Trustees Doug Faigin and Anna Ortiz-Morfit; and Presidents Jane Conoley and Cynthia Teniente-Matson. The work group was formed on the recommendation of Dr. Terrance McTaggart from the Association of Governing Boards who had been asked to assess presidential performance at the CSU. Proposed revisions add language in the criteria section regarding shared governance practices; commitment to hiring and retaining a diverse workforce; state and federal advocacy efforts and collaboration with system staff.

Chancellor's Office staff also recommended other non-substantive changes to streamline and clarify the policy. The proposed draft Presidential Review Policy was provided in Attachment A and Attachment B reflected the substantive changes in markup view.

The proposed policy is expected to be presented for action at the May meeting.

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

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Policy on Compensation

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Summary

At the March 2024 meeting of the CSU Board of Trustees, revisions to the [CSU Compensation Policy](#) were presented for the board's information and consideration. The amended policy is now being presented during the May meeting for board action.

The amended Policy on Compensation is provided in Attachment A to this agenda item and is substantively the same as the draft presented at the March 2024 meeting. Attachment B displays the proposed revisions in markup view. The policy in Attachment A has been revised to include a definition of "total compensation."

The proposed revisions consolidate all compensation-related policies into one document. The substantive paragraphs pertaining to presidential salary assessments that are currently set forth in the CSU Policies and Procedures for Review of Presidents (RUFPP 01-20-01) will move to the Policy on Compensation. Additionally, the salary assessment implementation process and the market formula matrix adopted in September 2021 (RUFPP 09-21-06) will be consolidated into the Policy on Compensation.

The amended policy supersedes the CSU Compensation Policy adopted in November 2019 (RUFPP 11-19-10) and the salary assessment implementation process adopted in September 2021 (RUFPP 09-21-06). Trustee approval of the revised policy in Attachment A is recommended as presented.

The corresponding revisions to the CSU Policies and Procedures for Review of Presidents will be presented separately in item 3.

Recommended Action

The following resolution is recommended for adoption:

AMENDED

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Agenda Item 2

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RESOLVED, by the Board of Trustees of the California State University, that the Policy on Compensation provided in Attachment A of Agenda Item 2 of the Committee on University and Faculty Personnel at the May 19-22, 2024 meeting of the Board of Trustees, is adopted; and be it further

RESOLVED, that any and all previous versions of CSU compensation policies are superseded.

Revised

Board of Trustees Policy on Compensation

I. Scope of Policy

This policy governs compensation for all California State University (CSU) employees.

II. Guiding Principles

It is the intent of the Board of Trustees to compensate all CSU employees in a manner that is fair, reasonable, competitive, and fiscally prudent in respect to system budget and state funding. The goal of the CSU continues to be to attract, motivate, and retain the most highly qualified individuals to serve as faculty, staff, and executives, whose knowledge, experience, and contributions can advance the university's mission.

The CSU adheres to *total* compensation practices that are fair and equitable in design, application, and delivery. *Total compensation includes salary as well as benefits, such as health and welfare benefits including retirement, paid time off, sabbaticals, educational fee waivers, vacation and sick leave accrual, or any other benefits or perquisites provided to CSU employees.*

III. Compensation

A. All Employee Compensation

The CSU evaluates competitive and fair compensation for all employees based on periodic market comparison surveys and the depth of skill and experience of an individual employee.

The compensation system for the CSU shall (a) be administered in a manner that complies with all applicable federal, state, and local regulations and laws, and (b) be consistent with applicable administrative policies, rules and collective bargaining agreements.

B. Executive Compensation

The CSU will maintain and periodically update a tiered list of CSU comparison institutions for executive employee groups. The list may take into account geographic location, enrollment, percent of Pell eligible students, budget, research funding, and such other variables as deemed appropriate. Executive compensation will be guided with reference to the mean and/or median of the appropriate comparison institutions, together with an individual's

AMENDED

Attachment A

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reputation, and length, depth and effectiveness of applicable experience, and other meritorious achievement and contributions to the success of the CSU.

1. Presidential Compensation

a) Salary at Appointment:

When a presidential vacancy occurs, the successor president's salary should not (absent extenuating circumstances) exceed the incumbent's salary by more than 10 percent. Any amount in excess of the incumbent's salary shall be based upon criteria such as extraordinary circumstances, knowledge and/or experience or ability to contribute to and advance the university's mission and market conditions. A president's salary may only be funded with state funds.

The chancellor shall have authority to negotiate recommended starting salaries for presidents. The chancellor shall present the recommended salary to the Board of Trustees for approval.

b) Periodic Presidential Salary Assessment:

On an annual basis, and as a general rule at the July meeting of the Board of Trustees, the Board shall be presented with a salary assessment of all presidents who have received a triennial review in accordance with the Board of Trustees Policies and Procedures for Review of Presidents during the previous fiscal year. The Board shall determine whether an increase to a president's salary is warranted based on CSU's operative market data (which should be reviewed every five years), and if so, the amount of any such adjustment. Following the initial salary assessment, the president's salary shall be reassessed once a year against operative market data for the next two years, and if the president's annual salary continues to be below the peer group median, a recommended increase shall be presented to the Board each July. The goal of the salary assessment process is to incrementally bring each president into alignment with the peer group median.

The **first year**, presidential salaries may be adjusted up to the peer group median by an amount not to exceed 10 percent.

The **second and third year** adjustments shall be made in accordance with the following matrix:

Amount to Reach Peer Group Median			Increase
0%	to	5%	0%
5.01%	to	10%	2%
10.01%	to	15%	4%
15.01%	to	25%	7%
25.01%	to	35%	10%

As a condition of receiving a market-based salary increase, the president must have been in their position for three years and must have received a satisfactory evaluation during their triennial review.

Market-based salary increases approved by the Board in accordance with this policy will be effective July 1st of the approval year.

Compensation actions are subject to availability of funds and current budget conditions.

c) Other Salary Increase Programs:

Receipt of a market-based salary adjustment in any given year does not preclude a president from being eligible for any salary increase program consistent with those that may be provided to other non-represented employees. In the event that a president is awarded a salary and market-based increase at the same time, the salary increase shall be applied before determining whether a market-based adjustment is warranted.

2. Individual Salary Increases:

The Board also retains the right, in its discretion, to make other salary adjustments as necessary at other times for an executive when a significant equity or retention issue is identified.

The chancellor shall recommend all executive salary adjustments to the Board of Trustees for approval in open session of a Board meeting.

Proposed Revisions (in markup view)
Board of Trustees Policy on Compensation

I. Scope of Policy

This policy governs compensation for all California State University (CSU) employees.

II. Guiding Principles

It is the intent of the Board of Trustees to compensate all CSU employees in a manner that is fair, reasonable, competitive, and fiscally prudent in respect to system budget and state funding. The goal of the CSU continues to be to attract, motivate, and retain the most highly qualified individuals to serve as faculty, staff, and executives, whose knowledge, experience, and contributions can advance the university's mission.

The CSU adheres to total compensation practices that are fair and equitable in design, application, and delivery. Total compensation includes salary as well as benefits, such as health and welfare benefits including retirement, paid time off, sabbaticals, educational fee waivers, vacation and sick leave accrual, or any other benefits or perquisites provided to CSU employees.

III. Implementation Compensation

A. All Employee Compensation

The CSU ~~will consistently~~ evaluates competitive and fair compensation for all employees based on periodic market comparison surveys and the depth of skill and experience of an individual employee. ~~In addition, the CSU will maintain and update annually a tiered list of CSU comparison institutions for applicable employee groups. The list may take into account geographic location, enrollment, percent of Pell eligible students, budget, research funding, and such other variables as deemed appropriate.~~

~~Compensation will be guided with reference to the mean and/or median of the appropriate comparison institutions, together with an individual's reputation, and length, depth and effectiveness of applicable experience, and other meritorious achievement and contributions to the success of the CSU.~~

AMENDED

Attachment B

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The compensation system for the CSU shall (a) be administered in a manner that complies with all applicable federal, state, and local regulations and laws, and (b) be consistent with applicable administrative policies, rules and collective bargaining agreements.

B. ~~Presidential Executive~~ Compensation

~~In addition, †The CSU will maintain and periodically update annually a tiered list of CSU comparison institutions for applicable executive employee groups. The list may take into account geographic location, enrollment, percent of Pell eligible students, budget, research funding, and such other variables as deemed appropriate. Executive Compensation will be guided with reference to the mean and/or median of the appropriate comparison institutions, together with an individual's reputation, and length, depth and effectiveness of applicable experience, and other meritorious achievement and contributions to the success of the CSU.~~

1. Presidential Compensation

a) Salary at Appointment:

When a presidential vacancy occurs, the successor president's salary should not (~~absent extenuating circumstances~~) exceed the incumbent's salary by more than 10 ~~percent~~%. Any amount in excess of the incumbent's salary shall be based upon criteria such as extraordinary circumstances, knowledge and/or experience or ability to contribute to and advance the university's mission and market conditions. A president's salary may only be funded with state funds.

The chancellor shall have authority to negotiate recommended starting salaries for presidents. The chancellor shall present the recommended salary to the Board of Trustees for approval.

~~**Presidential Salary Assessment:** Currently, the Policies and Procedures for Review of Presidents require annual reviews with the chancellor and triennial reviews by the Board of Trustees. In these reviews, the president's performance is reviewed against the goals and criteria for leadership expectations. Effective with Board of Trustees reviews occurring in 2020 and beyond, a presidential salary assessment will also be conducted that considers presidential performance, the market data and makes recommendations to the Trustees if a compensation adjustment may be warranted.~~

b) Periodic Presidential Salary Assessment:

On an annual basis, and as a general rule at the July meeting of the Board of Trustees, the Board shall be presented with a salary assessment of all presidents who have received a triennial review in accordance with the Board of Trustees Policies and Procedures for Review of Presidents during the previous fiscal year. The Board shall ~~to~~ determine whether an increase to a president's salary is warranted based on CSU's operative market data (which should be reviewed every five years), and if so, the amount of any such adjustment. Following the initial salary assessment, the president's salary shall be reassessed once a year against operative market data for the next two years, and if the president's annual salary continues to be below the peer group median, the recommended increases shall be presented to the Board each July. The goal of the salary assessment process is to incrementally bring each president into alignment with the peer group median.

The **first year**, presidential salaries may be adjusted up to the peer group median by an amount not to exceed 10 percent.

The **second and third year** adjustments shall be made in accordance with the following matrix:

Amount to Reach Peer Group Median		Increase
<u>0%</u>	<u>to</u> <u>5%</u>	<u>0%</u>
<u>5.01%</u>	<u>to</u> <u>10%</u>	<u>2%</u>
<u>10.01%</u>	<u>to</u> <u>15%</u>	<u>4%</u>
<u>15.01%</u>	<u>to</u> <u>25%</u>	<u>7%</u>
<u>25.01%</u>	<u>to</u> <u>35%</u>	<u>10%</u>

As a condition of receiving a market-based salary increase, the president must have been in their position for three years and must have received a satisfactory evaluation during their triennial review.

Market-based salary increases approved by the Board in accordance with this policy will be effective July 1st of the approval year.

Compensation actions are subject to availability of funds and current budget conditions.

c) Other Salary Increase Programs:

AMENDED

Attachment B

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Receipt of a market-based salary adjustment in any given year ~~A salary adjustment during triennial performance reviews~~ does not ~~prohibit the incumbent~~ preclude a president from being eligible for ~~the any annual merits~~ salary increase program consistent with those that may be as provided to other non-represented employees. In the event that a president is awarded a salary and market-based increase at the same time, the salary increase shall be applied before determining whether a market-based adjustment is warranted.

2. Individual Salary Increases:

The Board also retains the right, in its discretion, to make other salary adjustments as necessary at other times for ~~an executive~~ president when a significant equity or retention issue is identified.

The chancellor shall recommend ~~all executive~~ presidential salary adjustments to the Board of Trustees for approval in open session of a Board meeting.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Policy and Procedures for Review of Presidents

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Summary

At the March 2024 meeting of the CSU Board of Trustees, revisions to the [CSU Policies and Procedures for Review of Presidents](#) (“Presidential Review Policy”) were presented for the board’s information and consideration. The amended policy is now being presented during the May meeting for board action.

The amended Presidential Review Policy is provided in Attachment A to this agenda item and is identical in substance to the draft presented at the March 2024 meeting. Attachment B displays the substantive revisions in markup view.

Revisions to the Presidential Review Policy align with and complement the revised CSU Compensation Policy, presented in agenda item 2. The Presidential Review Policy also includes recommendations made by a working group formed by Chancellor Emerita Jolene Koester in 2023.

The amended policy supersedes the CSU Policies and Procedures for Review of Presidents adopted in January 2020 (RUFPP 01-20-01). Trustee approval of the revised policy in Attachment A is recommended as presented.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that the CSU Policy and Procedures for Review of Presidents provided in Attachment A of Agenda Item 3 of the Committee on University and Faculty Personnel at the May 19-22, 2024 meeting of the Board of Trustees, is adopted; and be it further

RESOLVED, that any and all previous versions of policies and procedures for review of presidents are superseded.

Revised

POLICY AND PROCEDURES FOR REVIEW OF PRESIDENTS

I. Coverage:

This document establishes the policy and procedures for the review of presidents at the California State University.

II. Responsibilities:

Decisions regarding appointment, salary, and continued employment of presidents are made by the Board of Trustees upon recommendation of the chancellor. Presidential salary assessments are governed by the CSU Policy on Compensation.

III. Objectives:

The objectives of presidential reviews are to provide the chancellor and the Board of Trustees with an understanding of the unique characteristics of the campus, a continuing assessment of campus operations and educational effectiveness, and an assessment of the leadership and management performances of the executive.

The review provides the president with an evolving understanding of their role, their rights and their responsibilities; the plans, goals and expectations mutually agreed to by the president and the chancellor; and the criteria against which progress is measured. The review is also to provide an opportunity for open and frank discussions between the president and the chancellor of the conditions or state of the campus accomplishments, desirable courses of action, progress, and ideas for improvement or redirection of effort.

The review also provides the chancellor with information upon which to reassess CSU missions, goals, policies and the resources needed to facilitate and enhance campus activities.

IV. Procedures:

The scheduling of reviews will be determined by the date of assumption of duties. Confidentiality will be preserved as much as possible throughout the review process including in written reports. Questionnaires or other survey instruments will not be used,

and petitions and anonymous or unsigned feedback will not be considered in connection with a president's performance review.

A. Newly Appointed Presidents:

Newly appointed presidents meet with the chancellor during the first year of service (preferably between the third and ninth month of the executive's incumbency). The president discusses their assessment of the state of the campus, goals and objectives and possible plans for their implementation. During this meeting, the president makes an assessment of the needs of the campus and proposes goals and objectives and plans for action. After discussion with the chancellor, an agreement is reached on needs and expectations.

Approximately, one year later, there is a discussion between the president and the chancellor on progress, achievements, any changes in original plans or directions and general performance.

Starting in the third year of the president's tenure, reviews are conducted as described below.

B. Annual Conference:

Each president has a review conference with the chancellor once a year. These meetings focus on progress toward meeting campus missions and goals, program accomplishments, campus activities, problems and proposed solutions, the state of the campus and supplement the continuing interchanges about campus and system events between the president and the chancellor. The chancellor, following completion of an annual conference, may report results and findings to the Board of Trustees.

C. Triennial Review:

At the outset of the third academic year of the president's tenure, and every three years thereafter, the chancellor will conduct a review based upon the information collected as described below which will be discussed with the president in their annual conference. The chancellor, following completion of the triennial review, will report results and findings to the Board of Trustees. The chancellor will distribute to the board a summary document which also defines goals and criteria for subsequent reviews.

Depending on the circumstances, the board may meet with the president and the chancellor in conjunction with the review.

The triennial review is based on information about activities of the campus collected by the chancellor. The president being reviewed presents information about the progress being made and the state of the campus.

The chancellor will request factual information from appropriate sources in the CSU community including, but not limited to, the leadership of the local academic senate, student representatives, the alumni organization and an appropriate community-based advisory group. The chancellor will also request information from other faculty of distinction, alumni or community individuals, campus administrators, and Chancellor's Office personnel. The chancellor may utilize information gained from sources such as everyday working relations with the president, and internal and external reports on programs, operations and achievements.

The chancellor will issue an "open letter" to the applicable university community to describe the (routine) review, the time frame, the criteria, and the methodology. The letter will also instruct anyone who was not invited to participate (randomly or by virtue of office held) how to provide input.

After the Board of Trustees has received and discussed the triennial review, the chancellor will prepare a brief report to the university community that brings closure to the review and informs the community of the major findings and the goals for the president and the university for the next period.

The chancellor may (including at the president's request) augment the triennial review framework when deemed beneficial for the president, the campus, or both. Aspects of the six-year review methodology or other models may be appropriate.

D. Six-Year Review

A regular review of the campus and the stewardship of the president, involving an off-campus committee, occurs approximately every six years. The chancellor, the board, or the president may request an accelerated or other off-cycle review.

The six-year review will utilize assessments made by a chancellor's advisory committee composed of individuals from off-campus. The chancellor, in consultation with the president, will appoint three persons to the advisory committee, two of whom may be from outside the CSU. The chair of the Board of Trustees will select a fourth member from the current membership of the board to join the chancellor's advisory committee.

When assessing a campus, the advisory committee utilizes information obtained from visits to the campus, review of written reports and interviews with members of the campus community, the community at large and appropriate CSU personnel. The advisory committee's assessment is directed toward the review of campus operations and the president's stewardship. The review shall be in the same academic year as the WASC review, whenever possible.

The advisory committee makes a confidential written report of its findings to the chancellor. Prior to submitting its final report to the chancellor, the committee furnishes a draft copy of its findings to the president of the campus being reviewed and affords an opportunity for the president to make a written response and to discuss the findings with the committee. Upon receipt of the committee's final report, the chancellor furnishes a copy of the final report to the president and affords the president an opportunity to make a written response. The chancellor discusses the committee's findings and the response with the president.

Following completion of a six-year review of a campus, the president of that campus will be invited to meet with the Board of Trustees in closed session.

V. CRITERIA FOR PRESIDENTIAL ASSESSMENT

General criteria for consideration of both the operations and condition of the campus as well as the leadership and management effectiveness of the president include, but are not limited to, such factors as the following:

A. General Administrative Effectiveness Including Management of Human, Fiscal and Physical Resources:

Consistent with shared governance practices, evidence in campus operations of effective planning and decision making; development of and delegation to a management team; accomplishment of plans and objectives; flexibility in approach to solving problems and willingness to change programs and methods to keep up with current needs and developments; commitment to equal employment and programmatic opportunities and

wise utilization of faculty and staff; commitment to hiring and retaining a diverse workforce.

B. Working Relations with the System and the Campus:

Evidence in campus operations that there are open lines of communications; work is accomplished effectively with and through others; the suggestions of system staff are solicited and considered in good faith and that the executive and the management team have established credibility with the system staff.

Evidence that the president, in serving as executive officer of the campus, maintains a perspective of the mission of the CSU and cognizance of the special demands placed on the system; participates productively in deliberations in systemwide academic and administrative matters.

C. Educational Leadership and Effectiveness:

Consistent with shared governance practices, evidence in campus operations of development, maintenance and renewal of academic plans and programs that meet long-range needs; periodic evaluation of educational progress and accomplishments; the establishment of an environment that stimulates teaching, learning, scholarship, professional development and the pursuit of support to enhance academic programs and innovation.

D. Community Relations:

Evidence in campus operations of community understanding of and support for the campus; good relations with the media; service to and from the community, alumni support, effective "Town and Gown" activities; state and federal advocacy efforts; local, regional and national reputation; and an effective institutional advancement program, including fundraising consistent with mutually agreed upon goals with the chancellor.

E. Major Achievements of the Campus and the President.

F. Personal Characteristics:

Evidence in campus operations of the president's knowledge of the job, judgment, leadership, planning and organizing ability, drive, vision, human relations and communications skills, objectivity and fairness, ability to articulate ideas and concepts, ability to innovate, ability to take into account the public relations and political

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implications of his/her actions, ability to deal with many different problems and events at the same time, ability to withstand any criticism and to direct opposition into productive channels, ability to get to the key parts of complex problems, evidence of having facts before making decisions and ability to promote coordination and efficiency of programs and operations.

Adopted January 25-26, 1994
Modified November 13-14, 2001
Modified January 28-29, 2020
Modified <date>
Board of Trustees CSU

Proposed Revisions (substantive changes in markup view)

POLICY AND PROCEDURES FOR REVIEW OF PRESIDENTS

I. Coverage:

This document establishes the policy and procedures for the review of presidents at the California State University.

II. Responsibilities:

Decisions regarding appointment, salary, and continued employment of presidents are made by the Board of Trustees upon recommendation of the chancellor. Presidential salary assessments are governed by the CSU Policy on Compensation.

III. Objectives:

The objectives of presidential reviews are to provide the chancellor and the Board of Trustees with an understanding of the unique characteristics of the campus, a continuing assessment of campus operations and educational effectiveness, and an assessment of the leadership and management performances of the executive.

The review provides the president with an evolving understanding of their role, their rights and their responsibilities; the plans, goals and expectations mutually agreed to by the president and the chancellor; and the criteria against which progress is measured. The review is also to provide an opportunity for open and frank discussions between the president and the chancellor of the conditions or state of the campus accomplishments, desirable courses of action, progress, and ideas for improvement or redirection of effort.

The review also provides the chancellor with information upon which to reassess CSU missions, goals, policies and the resources needed to facilitate and enhance campus activities.

IV. Procedures:

The scheduling of reviews will be determined by the date of assumption of duties. Confidentiality will be preserved as much as possible throughout the review process

including in written reports. Questionnaires or other survey instruments will not be used, and petitions and anonymous or unsigned feedback will not be considered in connection with a president's performance review.

A. Newly Appointed Presidents:

Newly appointed presidents meet with the chancellor during the first year of service (preferably between the third and ninth month of the executive's incumbency). The president discusses their assessment of the state of the campus, goals and objectives and possible plans for their implementation. During this meeting the president makes an assessment of the needs of the campus and proposes goals and objectives and plans for action. After discussion with the chancellor, an agreement is reached on needs and expectations.

Approximately oOne year later, there is a discussion between the president and the chancellor on progress, achievements, any changes in original plans or directions and general performance.

Approximately two years later, the president becomes part of the regular three year review processStarting in the third year of the president's tenure, reviews are conducted as described below.

B. Annual Conference:

Each president has a review conference with the chancellor once a year. These meetings focus on progress toward meeting campus missions and goals, program accomplishments, campus activities, problems and proposed solutions, the state of the campus and supplement the continuing interchanges about campus and system events between the president and the chancellor. The chancellor, following completion of an annual conference, may report results and findings to the Board of Trustees.

C. Triennial Review:

At the outset of the third academic year of the president's tenure, and every three years thereafter, the chancellor will conduct a review based upon the information collected as described below which will be discussed with the president in their annual conference. The chancellor, following completion of the triennial review, will report results and findings to the Board of Trustees. The chancellor will distribute to the board a summary document which also defines goals and criteria for subsequent reviews.

Depending on the circumstances, the board ~~or the chancellor, with the concurrence of the board, may initiate a brief meeting of the board~~ may meet with the president and the chancellor in conjunction with the review.

The triennial review is based on information about activities of the campus collected by the chancellor ~~in whatever manner the chancellor or the board deems appropriate~~. The president being reviewed presents information about the progress being made and the state of the campus.

The chancellor will request factual information from appropriate sources in the CSU community including, but not limited to, the leadership of the local academic senate, student representatives, the alumni organization and an appropriate community-based advisory group. The chancellor will also request information from other faculty of distinction, alumni or community individuals, campus administrators, and Chancellor's Office personnel. The chancellor may utilize information gained from sources such as everyday working relations with the president, and internal and external reports on programs, operations and achievements.

The chancellor will issue an "open letter" to the applicable university community to describe the (routine) review, the time frame, the criteria, and the methodology. The letter will also instruct anyone who was not invited to participate (is not contacted either randomly or by virtue of office held) how to provide input, but wishes to participate. ~~Petitions and unsigned letters will not be considered as part of the review.~~

After the Board of Trustees has received and discussed the triennial review, the chancellor will prepare a brief report to the university community that brings closure to the review and informs the community of the major findings and the goals for the president and the university for the next period.

The chancellor ~~and the president have the option to~~ may (including at the president's request) augment the triennial review framework when deemed beneficial for the president, the campus, or both. Aspects of the six-year review methodology or other models may be appropriate.

D. Six-Year Review

A regular review of the campus and the stewardship of the president, involving an off-campus committee, occurs approximately every six years. The chancellor, the board, or

the president may request an accelerated or other off-cycle review.

The six-year review will utilize assessments made by a chancellor's advisory committee composed of individuals from off-campus. The chancellor, in consultation with the president, will appoint three persons to the advisory committee, two of whom may be from outside the CSU. The chair of the Board of Trustees will select a fourth member from the current membership of the board to join the chancellor's advisory committee.

When assessing a campus, the advisory committee utilizes information obtained from visits to the campus, review of written reports and interviews with members of the campus community, the community at large and appropriate CSU personnel. The advisory committee's assessment is directed toward the review of campus operations and the president's stewardship. The review shall be in the same academic year as the WASC review, whenever possible.

The advisory committee makes a confidential written report of its findings to the chancellor. Prior to submitting its final report to the chancellor, the committee furnishes a draft copy of its findings to the president of the campus being reviewed and affords an opportunity for the president to make a written response and to discuss the findings with the committee. Upon receipt of the committee's final report, the chancellor furnishes a copy of the final report to the president and affords the president an opportunity to make a written response. The chancellor discusses the committee's findings and the response with the president.

Following completion of a six-year review of a campus, the president of that campus will be invited to meet with the Board of Trustees in closed session.

~~E. Salary Assessment~~

- ~~1. During the triennial and six-year performance reviews, or at other times for compelling reasons, a salary assessment will be conducted by the chancellor.~~
- ~~2. The assessment will be based on criteria established in the November 2019 Board of Trustees Policy on Compensation (codified in RUF 11-19-10).~~
- ~~3. Following completion of the triennial and six-year reviews, the chancellor will report the findings of the salary assessment to the Board of Trustees and the trustees may evaluate the appropriateness of any salary adjustment.~~

~~4. The chancellor, with the concurrence of the board, shall present the recommended salary adjustment later during that meeting or at the next open meeting of the Board of Trustees.— The salary adjustment will be retroactive to the presidential appointment anniversary date.~~

V. CRITERIA FOR PRESIDENTIAL ASSESSMENT

General criteria for consideration of both the operations and condition of the campus as well as the leadership and management effectiveness of the president include, but are not limited to, such factors as the following:

A. General Administrative Effectiveness Including Management of Human, Fiscal and Physical Resources:

Consistent with shared governance practices, evidence in campus operations of effective planning and decision making; development of and delegation to a management team; accomplishment of plans and objectives; flexibility in approach to solving problems and willingness to change programs and methods to keep up with current needs and developments; commitment to equal employment and programmatic opportunities and wise utilization of faculty and staff; commitment to hiring and retaining a diverse workforce.

B. Working Relations with the System and the Campus:

Evidence in campus operations that there are open lines of communications; work is accomplished effectively with and through others; the suggestions of ~~others-system staff~~ are solicited and considered in good faith and that the executive and the management team have established credibility with the system staff.

Evidence that the president, in serving as executive officer of the campus, maintains a perspective of the mission of the CSU and cognizance of the special demands placed on the system; participates productively in deliberations in systemwide academic and administrative matters.

C. Educational Leadership and Effectiveness:

Consistent with shared governance practices, evidence in campus operations of development, maintenance and renewal of academic plans and programs that meet long-range needs; periodic evaluation of educational progress and accomplishments; the establishment of an environment that stimulates teaching, learning, scholarship,

professional development and the pursuit of support to enhance academic programs and innovation.

D. Community Relations:

Evidence in campus operations of community understanding of and support for the campus; good relations with the media; service to and from the community, alumni support, effective “Town and Gown” activities; state and federal advocacy efforts; local, regional and national reputation; and an effective institutional advancement program, including fundraising consistent with mutually agreed upon goals with the chancellor.

E. Major Achievements of the Campus and the President.

F. Personal Characteristics:

Evidence in campus operations of the president’s knowledge of the job, judgment, leadership, planning and organizing ability, drive, vision, human relations and communications skills, objectivity and fairness, ability to articulate ideas and concepts, ability to innovate, ability to take into account the public relations and political implications of his/her actions, ability to deal with many different problems and events at the same time, ability to withstand any criticism and to direct opposition into productive channels, ability to get to the key parts of complex problems, evidence of having facts before making decisions and ability to promote coordination and efficiency of programs and operations.

Adopted January 25-26, 1994
Modified November 13-14, 2001
Modified January 28-29, 2020
Modified <date>
Board of Trustees CSU

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: President – California State University, Fullerton

Presentation By

Mildred García
Chancellor

Summary

Compensation for the president of California State University, Fullerton will be presented and recommended for approval.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Hayley Schwartzkopf
Associate Vice Chancellor
Civil Rights Programming and Services

Summary

This item reports on the university's Civil Rights (Title IX and other nondiscrimination) programs and services.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Update on Employee Relations: Response to Other Conduct of Concern

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Sarah Fried-Gintis
Senior Systemwide Director
Academic & Staff Human Resources

Summary

This information item will update the board on the status of the written guidance being prepared that describes how members of the CSU community should report – and how the university will respond – to unprofessional behavior and other forms of harmful conduct that do not violate CSU’s Non-Discrimination Policy (referred to as “Other Conduct of Concern”).

The amended agenda item provides the draft guidance in Attachment A.

California State University

Systemwide Guidance: Responding to Other Conduct of Concern at the CSU

April 2024

Statement of Purpose

As the nation’s largest and most diverse four-year public university, the California State University’s (CSU) [mission](#) is to provide students access to quality education that empowers them to become leaders in the changing workforce and to contribute to the public good. **Rooted in our university’s mission is the expectation that CSU faculty, staff, and students treat all members of the campus community with respect and are responsible stewards of CSU resources.** The CSU holds students, employees, and the administration accountable for addressing conduct that jeopardizes the living, learning, and working environment of the CSU.

Professional standards include the expectation that employees treat others fairly and respectfully and avoid engaging in “abusive conduct.”¹ Similarly, as stated in CSU’s [Student Conduct Code](#), students are expected to be good citizens, engage in responsible behaviors that reflect well upon their university, be civil to one another and to others in the campus community, and contribute positively to student and university life.”²

In order to maintain an inclusive and positive environment where students and employees thrive, and in accordance with federal and state law, CSU prohibits discrimination, harassment and retaliation based on a person’s protected status. See: [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#) (“CSU Nondiscrimination Policy”).

The CSU also recognizes that members of our community may (knowingly or unknowingly) engage with one another in ways that are hurtful or offensive. In some instances, conduct may violate university policy or be unprofessional; in other instances, conduct may fall into the category of protected speech, which the university cannot limit or inhibit through discipline. Other forms of conduct may not violate university policy even when they are hurtful or offensive. As a result, individual and community expectations about how people should treat each other are not always enforceable through disciplinary action. In particular, principles of free speech and academic freedom require that the CSU community acknowledge the rights of others to freely express their opinions and beliefs, even when those expressions may be controversial, incendiary, and/or upsetting. In many cases, speech that does not present an imminent threat to the health or safety of others or is not “severe,” “persistent” or “pervasive” as defined by state and federal civil rights (nondiscrimination) laws and the CSU Nondiscrimination Policy is not subject to disciplinary action.

However, when hurtful or offensive conduct **is not** addressed, the cumulative effect of such conduct can fray the fabric of the learning, living, and working environment of the CSU and in turn impede **our institution’s mission and goals.**

¹ Cal. Govt Code section 12950.1(h)(2) defines “abusive conduct as follows: “Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.”

² See 5 Cal. Code Regs. section 41301(a) and [CSU’s Student Code of Conduct policy](#).

Thus, even when the university may not impose discipline or prohibit members of the university community from engaging in harmful conduct (which the CSU refers to as Other Conduct of Concern or OCC), the university should respond in other ways. A critical goal of this guidance is to reinforce the importance of acknowledging and responding to OCC on our campuses by clearly communicating the CSU's expectations to the university community, supporting those who experience OCC, and taking steps to remedy or address the conduct. This may include direct communication with those who engaged in OCC, so that they are aware of the consequences of their actions and choices and have the opportunity to grow professionally and personally.

How a CSU university responds to OCC will depend on the nature and scale of the reported conduct. Most times, OCC involving employees can be addressed directly by a supervisor and will not necessarily involve disciplinary action. If discipline is warranted, supervisors should consult with the designated administrator in Human Resources, Faculty Affairs or Student Affairs before taking action. In all instances, if conduct raises concerns about potential discrimination or harassment based on protected status, the report must be referred promptly to the university's office responsible for addressing Discrimination, Harassment, and Retaliation (DHR).

Each CSU university will address OCC within its unique organizational structure. This guidance addresses the following topics:

1. CSU shared values.
2. How to recognize OCC.
3. How members of the CSU community can share concerns about OCC.
4. What the community can expect after concerns about OCC have been shared with the university.
5. Administrative guidance for university professionals in responding to OCC.
6. Possible solutions for resolving OCC.
7. Prevention strategies to reduce instances of OCC.

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CALIFORNIA STATE UNIVERSITY SHARED VALUES

The CSU is committed to promoting and maintaining a respectful and professional working, living, and learning environment. All members of the CSU community are therefore expected to:

- communicate with respect;
- not discriminate against, harass, or treat another individual differently based on their identities or protected personal characteristics;
- treat each other fairly;
- take responsibility for their actions or lack thereof, and consider how their conduct impacts others; and
- honor principles of free speech and academic freedom.

RECOGNIZING OTHER CONDUCT OF CONCERN

What is Other Conduct of Concern?

The CSU refers to conduct that is incongruous with CSU’s shared values as “Other Conduct of Concern” (OCC). OCC includes one or more of the following:

- Conduct that is directed at a person because of their protected status, but that does not violate CSU’s Nondiscrimination Policy because the conduct is not “severe,” “pervasive” or “persistent” as defined by CSU policy and federal and state law.
- Conduct that is materially disruptive to the learning, living, or working environment of the CSU, but for which discipline likely may not be imposed because it constitutes protected speech or conduct.
- Conduct that is considered “abusive” as defined in Cal. Govt Code section 12950.1(h)(2) or otherwise unprofessional, for which discipline may be imposed in accordance with Education Code section 89535(b).

Why does the CSU address Other Conduct of Concern?

Left unaddressed, OCC can jeopardize the learning, living, and working environment at the CSU. Universities are marketplaces of ideas where principles of free speech and free scholarly inquiry are cherished and protected. These bedrock principles must be safeguarded along with CSU’s commitment to maintaining a culture of mutual respect. The CSU will not discipline employees or students for engaging in legally protected speech, but neither will it ignore the impacts of protected activity on our community and culture. Individuals who exercise personal rights of expression and inquiry in ways that are hurtful or offensive to others should be made aware of the effects of their actions and any harm they may knowingly or unknowingly have caused. Strategies for raising awareness about the effects of protected speech and other conduct include communicating and engaging with those involved in the exchange of concern,

providing individual supportive measures, and developing community remedies through such activities as education and preventive programming. This work has always been a fundamental responsibility of supervisors, guided by human resources, faculty affairs, and student affairs professionals. This guidance affirms and reinforces the CSU's commitment to thoughtfully and proactively fostering and maintaining a climate that is anchored in respect and empathy in order to support the CSU's educational mission.

Through support services, policy, guidance, oversight, training, and action, the CSU supports the university community by fostering a thriving and positive community, and seeking to reduce instances of OCC. Collectively, we will work together to safeguard principles of protected speech and at the same time maintain a culture of care, consideration, and accountability.

What is the CSU doing to reduce instances of Other Conduct of Concern?

The CSU provides training to supervisors and administrators in effectively responding to concerns raised by employees. Management, employee relations, and conflict resolution training, as well as other measures to support CSU leaders in this important and challenging work are critical to reducing and appropriately responding to instances of OCC.

<p style="text-align: center;">SHARING INFORMATION ABOUT OTHER CONDUCT OF CONCERN WITH THE UNIVERSITY COMMUNITY</p>
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Who may report concerns about Other Conduct of Concern?

Anyone may report concerns or share information about OCC at the CSU, including students, faculty, staff, volunteers, and visitors. Employees and students who experience or witness OCC are encouraged to promptly discuss their experience with a supervisor or, if necessary, an administrator in human resources, faculty affairs, student affairs or another relevant department as appropriate. It is important that the university learns about the experience so that it can respond appropriately based on the facts and circumstances.

With whom should information about Other Conduct of Concern be shared?

Threats of physical harm should be reported immediately to campus safety/security or 911.

Conduct that might be based on an individual's protected status should be reported to the university office responsible for discrimination, harassment, and retaliation to evaluate whether the conduct implicates the CSU Nondiscrimination Policy. For all other conduct:

- **Employees** should notify a supervisor, human resources or faculty affairs professional, or an administrator charged with responding to OCC.
- **Students** should notify a dean (if the conduct occurred in the classroom), resident advisor (for conduct that occurs in the residence hall), dean of students or other student affairs professional.
- **Volunteers** or visitors may notify campus safety/security or human resources.

OCC may also be brought to the attention of any CSU president, vice president, associate or assistant vice president, director-level manager, or administrator in any of the following offices:

- Human Resources
- Faculty Affairs
- Academic Affairs
- Civil Rights
- Title IX
- Discrimination, Harassment and Retaliation (DHR)
- Diversity, Equity, and Inclusion
- Student Life
- Residential Life
- Campus Security
- Athletics

If the conduct could potentially violate CSU’s Nondiscrimination Policy, the employee who receives the report must promptly engage with the office at their university responsible for addressing Discrimination, Harassment, and Retaliation (DHR).

The Title IX Coordinator or DHR Administrator will determine if the reported conduct, if substantiated, would violate CSU’s Nondiscrimination Policy. Following the conclusion of their assessment, if it is determined that the conduct constitutes OCC, or is governed by other university policies, the case will be referred back to the original administrator for resolution. In “mixed” cases, where some conduct would violate CSU’s Nondiscrimination Policy and other conduct constitutes OCC, the Title IX Coordinator or DHR Administrator will coordinate with the original administrator to ensure a thorough response to all reported conduct.

Any such referrals or coordinated efforts must be memorialized in writing and maintained in accordance with systemwide and university records retention policies.

AFTER INFORMATION ABOUT OTHER CONDUCT OF CONCERN IS REPORTED TO THE UNIVERSITY

Who is responsible for responding to OCC?

Who is responsible for addressing OCC depends on the organizational structure of each university campus, how administrative responsibilities are assigned, and the nature and seriousness of the reported conduct. It is the responsibility of campus leadership to identify administrators who are responsible for receiving reports of OCC on each university campus. Campuses should provide employees, students and visitors with instructions about how to share concerns or information about OCC – and to whom. This information should be easy to find on relevant campus websites.

As a general rule, supervisors are responsible for responding to OCC reported by employees, and deans of student affairs are responsible for responding to OCC involving students. Appropriate administrators in human resources, faculty affairs and student affairs will provide direction and guidance as needed.

How are reports of Other Conduct of Concern assessed?

The supervisor or other administrator who receives the information about OCC will assess the extent and impact of the conduct and identify a range of appropriate resolutions. OCC includes a broad spectrum of conduct, and the necessary and appropriate response will depend on many factors, including the nature, frequency, and severity of the conduct. Considerations for assessing appropriate courses of action may include, but are not limited to:

- Could the conduct pose ongoing, imminent harm to community members, and does it need to be addressed immediately?
- Does the conduct potentially violate systemwide or campus policy?
- Is the conduct protected by principles of free speech or academic freedom? University Counsel should be consulted when the speech or conduct is, or might be, protected.
- Is the conduct subject to corrective action or formal discipline, or is it more appropriately resolved via education, coaching, mentoring, training, mediation, or other resolution process?
- Who is best positioned to address and resolve the conduct and/or provide support?
- Does the incident require further fact-finding? Should the supervisor or a campus administrator conduct fact-finding, or might a specially trained internal or external investigator be warranted?
- Might the provisions of a collective bargaining agreement apply?
- Can the conduct be reasonably addressed by an employee's supervisor in the first instance?
- Can the conduct be reasonably addressed by a student's academic advisor, resident advisor or dean, as appropriate?

Based on the roles of the parties or the nature of the conduct, representatives from human resources, faculty affairs, student affairs, and/or the Office of General Counsel should be consulted when evaluating these criteria and making determinations about how to proceed.

What actions are taken after information about Other Conduct of Concern is reported to the University?

Some incidents involving OCC can be resolved promptly and without additional fact-finding. For example, the supervisor or administrator who is notified of the OCC might determine that the concern can be reasonably addressed through non-disciplinary measures such as mentoring, counseling, education, and/or training. In other cases, the supervisor or administrator may find it necessary to interview bystanders/witnesses and conduct fact-finding. In general, before beginning a fact-finding process, the supervisor should consult with human resources and/or faculty affairs. In cases where the supervisor is unable to resolve the matter through non-disciplinary measures or is considering issuing a letter of reprimand or counseling memo, they should promptly consult with human resources and/or faculty affairs.

How quickly will OCC be addressed?

OCC should be addressed as soon as possible. Unlike complaints that are governed by CSU's Nondiscrimination Policy, the university's response to reports of OCC is not governed by a specific process or timeline. The university's response will depend on the specific circumstances of the conduct, including the nature of the conduct, the extent of fact-finding required, and the willingness of the involved

parties to be reflective and self-aware. In all cases, the university’s goal is to remediate any harm, offer supportive measures to the affected individuals and the community, and prevent repetition or escalation of the same or similar conduct.

What should a person do when an incident of Other Conduct of Concern involves them?

Any member of the university community who learns that they are the subject of a report of OCC should read this guidance and is encouraged to speak with their supervisor (for employees) or the dean of student affairs (for students). Retaliation against any individual for reporting OCC will not be tolerated and could result in corrective action or formal disciplinary action. Community members are expected to cooperate during any fact-finding process and to uphold CSU’s expectations of conduct.

ADMINISTRATIVE GUIDANCE IN RESPONDING TO OCC

Who is responsible for resolving reports of Other Conduct of Concern?

Supervisors are expected to promptly respond to and address a report of OCC. If there is an impediment to timely resolution, the supervisor must seek guidance from, or refer the matter to, an appropriate campus-designated administrator. As a general rule, students should report information about OCC to the Office of Student Affairs. If a CSU student worker is the subject of the concern, the campus must determine if the incident happened in the individual’s capacity as an employee or as a student. If it is found that the incident occurred while the student was working for the CSU, the matter will be referred to human resources.

How should information about Other Conduct of Concern be handled?

Information about OCC should always be received and handled with care and sensitivity to all individuals involved. Those university representatives who are responsible for responding to OCC should promptly meet with the person who shared the information to hear concerns, assess the need for any time-sensitive intermediary actions, and discuss next steps. They should also discuss if and when other individuals impacted by the OCC will be notified of the report, including the individual who reportedly engaged in the conduct. Soon after the initial meeting, the supervisor or administrator should notify in writing the person who came forward about next steps, including whether they will take action themselves or will instead refer the report to another appropriate administrator on campus for response and action. Reports, notifications, and notes must be maintained in accordance with system and campus records retention policies.

How should the CSU support members of the university community who experience Other Conduct of Concern?

The supervisor or administrator responding to the OCC should promptly identify any reasonable supportive or remedial measures available to assist the impacted parties. Examples of such measures include:

1. Encouraging open communication with the individuals involved in the report, facilitated by supervisors, human resources or faculty affairs, and/or student affairs representatives.
2. Providing information about how to access employee assistance programs or student counseling services to support the well-being of any person involved in the report during what can be a stressful period.
3. Considering *temporary* modified working/learning/living arrangements while the concern is being addressed.
4. Facilitating any necessary communications to maintain normal business operations between the parties and impacted witnesses while the concern is being addressed.

Supportive measures are intended to be reasonable *temporary* modifications tailored to each instance and designed to maintain a respectful and professional environment while reports of OCC are addressed. Determination of appropriate supportive measures should be ongoing while the incident of OCC is assessed. The campus should periodically reassess whether to take additional measures, alter existing measures, or end any measures. Supportive measures should be documented in writing by the supervisor or other appropriate administrator and will typically conclude at the point OCC is resolved. Records should be maintained in accordance with system and campus records retention policies.

When and how should fact-finding into Other Conduct of Concern be undertaken?

Fact-finding is not required in every case of OCC. For example, if there is no factual disagreement about the incident, there would be no need for fact-finding (unless there is evidence of a pattern of similar conduct that warrants further review). When fact-finding is warranted, the extent of fact-finding and the process to be used during fact-finding will depend on the specific circumstances of the incident. Any OCC fact-finding should be undertaken by an individual who can gather and evaluate information objectively and impartially. The fact-finder should not be someone who witnessed the events leading up to the report. If the nature of the conduct is such that there is no risk of immediate physical harm or danger to an individual or the community, OCC fact-finding (that is not part of a broader investigation that is governed by the CSU Nondiscrimination Policy or other investigative process) may be completed by an employee's supervisor, or in matters involving students, a professional in the Office of Student Affairs or resident advisor.

Although there is no timeline for completing OCC fact-finding, it should be completed as promptly as possible.

All individuals contacted in connection with any instance of OCC will be reminded that retaliation is prohibited by [CSU's Nondiscrimination Policy](#) and that all employees and students are expected to cooperate with fact-finding.

<p style="text-align: center;">HOW SHOULD REPORTS OF OTHER CONDUCT OF CONCERN BE RESOLVED?</p>

After any fact-finding is complete, the supervisor or administrator will recommend next steps, examples of which include discussions with the parties involved in the incident (separately or jointly, facilitated by

a university representative), education, counseling, coaching, mentoring, training or corrective action. The processes used to address OCC are not governed by CSU’s Nondiscrimination Policy and will be determined on a case-by-case basis, in consultation with human resources, faculty affairs, student affairs, and/or the Office of General Counsel, as appropriate. Formal discipline can only be undertaken by administrators to whom the campus president has delegated such authority. As a result, it is important that these offices be engaged early in the resolution process if formal discipline is a potential outcome.

Regardless of how OCC is resolved, the concern, as well as any report and outcomes, should be documented in writing and retained in accordance with CSU and campus record retention procedures to allow for follow-up and monitoring. If an employee is determined to have engaged in OCC, this should be noted in the employee’s annual performance evaluation subject to any restrictions under any applicable law, policy or CBA.

Potential resolutions may include:

- Education, Counseling, Coaching, Mentoring & Training
Education and training are reasonable and appropriate resolutions for less severe instances of OCC. For example, a responding party may need to be informed or reminded about the impacts of their behavior and expectations of professional behavior in the workplace. Training may be individualized, may use existing CSU resources or outside resources, and may be combined with other forms of resolution.
- Restorative Processes
In some situations, depending on the nature and/or severity of the OCC, a restorative process such as mediation may be appropriate. If both parties are receptive to such measures, this non-disciplinary method may help establish or reestablish healthy relationships and communication. Restorative processes are facilitated by a supervisor or professional trained in conflict resolution. Restorative processes are voluntary for all involved and should not go forward without consultation with an appropriate administrator in human resources, academic affairs or student affairs, or if any party expresses reluctance or a concern about the voluntariness of their participation.
- Corrective Action or Discipline
A person who engaged in OCC may be counseled either verbally or in writing about their conduct and the impact on others. Counseling, followed by a written memo, may be appropriate in some cases, and in others a formal written reprimand or other corrective action may be warranted. Formal discipline in the CSU refers to suspension, demotion, or dismissal. University Counsel should always be consulted before initiating formal discipline.

The authorities that govern corrective action/discipline for employees are outlined below:

Represented Employees	Education Code sections 89535 – 89540 and applicable CBA.
Confidential Employees	Education Code sections 89535 – 89540.
MPPs and Executives	At Will. Can be dismissed/non-retained at any time and for any reason that is not prohibited by law.
Student Workers	Any applicable CBA (when relevant).

Note: Non-faculty probationary employees are not subject to the formal discipline process set forth in the CBA; therefore, as a general rule, probationary employees can be released from employment at any time. Recommendations regarding probationary employees should be made to HR.

- Violation of Student Conduct Code
 If the administrator determines that a student may have violated the Student Conduct Code, the administrator will refer the matter to the campus Student Conduct Administrator for further handling in accordance with CSU policy.

How should information about and responses to Other Conduct of Concern be documented?

The extent and level of detail in documenting incidents of OCC will be commensurate with the scale and scope of the conduct. The nature of the concern and the outcome and any findings should always be documented. The content and detail of any written report of fact-finding may vary but should include a summary of the concerns, the positions of the parties, evidence considered, findings of fact, and any policies violated. Such documentation should normally be placed in the employee’s personnel file (subject to the requirements or restrictions in any applicable CBAs). If formal discipline is warranted, the report of findings should be prepared with the expectation that they will be attached to a notice of discipline. If formal discipline is not warranted, the findings and any outcomes should be documented in writing and preserved in accordance with applicable document retention policies; these findings should only be accessible to those charged with taking appropriate follow-up actions, to monitoring the situation or with another need-to-know justification or rationale.

What happens after an incident involving Other Conduct of Concern has been fully addressed?

All parties should be informed when the university’s response is complete. Where corrective action or discipline is issued, notice will be given in accordance with the Education Code, the applicable collective bargaining agreement, and CSU policies and practices. In the event that disciplinary action is taken, the person impacted by the OCC will be informed when the disciplinary process has concluded. However, unless otherwise required by law or the CSU Nondiscrimination Policy, the impacted person will not be informed of any confidential personnel actions, student sanctions or specific outcomes of the process. When appropriate, witnesses may be informed that the matter is concluded but information regarding outcomes will not be shared. Notification that the matter has concluded helps individuals understand that the university took responsive action and appropriately addressed and resolved the report.

Fact-finding can be disruptive and stressful to employees, and tensions sometimes remain after the matter is resolved. Regardless of the outcome, reasonable supportive measures should always be considered so that a culture of trust, accountability, and care is maintained. Supervisors and administrators must

maintain effective communication, monitor the workplace, take reasonable steps to prevent recurrence, and address any ongoing concerns. They must also convey to all parties that retaliation for reporting instances of OCC is expressly prohibited in [CSU's Nondiscrimination Policy](#) and will not be tolerated. If the person impacted by the OCC is a student, the administrator responsible for responding to OCC should work with student affairs to ensure the student receives appropriate and reasonable ongoing support.

Are reports of Other Conduct of Concern confidential?

Employees responding to OCC should treat the report as confidentially as possible. Information may only be shared with supervisors or administrators who have a responsibility for responding to OCC or university officials with a business “need to know.” Subject to privacy considerations, all relevant parties should be informed when a report of OCC is concluded. However, the outcome of the report and details related to any corrective action, disciplinary process, student sanction, or other consequences should be kept private (unless disclosure is otherwise required by law or the CSU Nondiscrimination Policy).

PREVENTING OTHER CONDUCT OF CONCERN

Educational initiatives regarding university and campus values are an important means of maintaining a culture of respect and professionalism. Campuses are expected to provide ongoing education and awareness programs to maintain a culture of care and community and to prevent misconduct. In addition to trainings required by California law (including training required by Cal Govt Code section 12950.1), additional prevention efforts may include trainings on subject such as:

- Understanding and applying policies and procedures governing workplace conduct
- Recognizing and reducing implicit bias
- Healthy relationships
- Effective communication
- Effective conflict resolution
- Effective performance management
- Having difficult conversations

To ensure that concerns about OCC are fully addressed, each CSU university is responsible for:

1. Explaining how members of the university community should share information about OCC with university representatives, and how the university will respond. Such information should be prominently placed on campus human resources, faculty affairs, student affairs, Title IX/DHR/Whistleblower-related web pages.
2. Prominently disclosing the contact information for all administrators (other than supervisors, faculty and resident advisors) responsible for responding to OCC for all populations of the CSU community on campus human resources, faculty affairs, student affairs, Title IX/DHR/Whistleblower-related web pages.
3. Providing all parties involved in incidents involving OCC with reasonable supportive measures as determined by the supervisor or appropriate administrator in consultation with human resources during any fact-finding process.

4. Making all parties involved in incidents involving OCC aware of relevant CSU policies, including prohibitions against retaliation.
5. Maintaining appropriate records and documentation that are accessible to all with a business need to know to allow for appropriate follow-up, monitoring and potential future need to address or report on the matter.

RELEVANT CSU POLICIES AND RESOURCES
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- [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation \(Nondiscrimination Policy\)](#)
- [Complaint Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety](#)
- [Complaint Procedures for Allegations of Retaliation for Having Made a Protected Disclosure under the California Whistleblower Protection Act](#)

Trainings

- “Recognizing and Addressing Micro-Behaviors in the Workplace,” [CSU Learn Training Module](#)
- “Principles of Supervision,” a training for new supervisors, offered by Systemwide Learning and Development
- “Chairing for Success,” a training for new department chairs, offered by Systemwide Learning and Development
- CSU Academy, a training for emerging leaders in higher education, offered by Systemwide Learning and Development
- The Deans’ Academy, a training for new deans, offered by Systemwide Human Resources

Other Resources

- [Cal. Education Code section 89535](#)
- [Collective Bargaining Agreements](#)
- [Title 5, Cal. Code Regs., Section 42723 \(a\)](#)

ADDITIONAL RESOURCES

Guidance on the following subjects is available from the Chancellor’s Office. Requests should be made to the Senior Systemwide Director for Academic and Staff Human Resources.

1. Centralized and Coordinated Structure Models and Reporting Expectations
2. Assessment Practices
3. Fact-finding Practices
4. Documentation Practices and Standards
5. Case Studies

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: FY 2023-2024 Executive Salary Increases

Presentation By

Mildred García
Chancellor

Summary

Fiscal year 2023-2024 salary increases for CSU Executives will be presented for consideration and possible approval.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: Triennial Performance Reviews - Equity Adjustments

Presentation By

Mildred García
Chancellor

Summary

Equity adjustments will be recommended for specific presidents resulting from salary assessments during their triennial performance review.