

Academic Senate CSU (ASCSU)
401 Golden Shore, Suite 243
Long Beach, CA 90802-4210

Beth A. Steffel, Chair
Phone: 909-781-1820
E-mail: bsteffel@calstate.edu

www.calstate.edu/csu-system/faculty-staff/academic-senate

September 11, 2023

Dr. Jolene Koester, Interim Chancellor
The California State University
Office of the Chancellor
401 Golden Shore, Room 641
Long Beach, California 90802-4210

Dear Interim Chancellor Koester:

Enclosed are the resolutions approved by the Academic Senate of the California State University (ASCSU) at the September 7-8, 2023 meeting. The documents are sent to you for response and action.

Sincerely,



Beth A. Steffel
Chair, Academic Senate of the California State University

Attachments

Distribution list:

- Members, Academic Senate CSU
- Chancellor's Office Representatives
- Board of Trustees
- Presidents
- Provosts/Vice Presidents, Academic Affairs
- Chairs, Campus Academic Senates
- CSU Alumni Council
- California State Student Association

**Executive Summary Of Resolutions
Academic Senate of The California State University (ASCSU)
September 7-8, 2023 Meeting**

The ASCSU approved the following resolutions. Copies of these and other resolutions can be found at <https://www.calstate.edu/csu-system/faculty-staff/academic-senate/Pages/Resolutions.aspx>.

1. [AS-3638/FA/JEDI](#)

In Opposition to California State University Administration Communications Regarding Bargaining

In light of recent communications from Interim Chancellor Koester to faculty employees about bargaining issues, this resolution insists that the CSU Administration refrain from directly communicating with faculty employees about bargaining with the California Faculty Association, the authorized representative of unit-3 faculty. Management communications that bypass union representatives to speak directly to employees can be interpreted as infringing on the requirements of good faith bargaining under National Labor Relations Board (NLRB) and California Public Employee Relations Board (PERB) rules.

2. [AS-3639-23/AA](#)

Separation and Timing of Title 5 Changes Relating to CSU General Education Breadth and Cal-GETC

The ASCSU was a strong partner in creating and supporting the development of a singular GE transfer pathway from the community colleges as required by [AB 928](#). This resolution 1) urges the Board of Trustees to expediently approve Cal-GETC based on the recommendations of ICAS; 2) calls upon the Chancellor's office to refrain from creating the impression that alignment with CSU GE Breadth and Cal-GETC is inevitable or even desirable; and 3) asserts no changes to CSU GE Breadth should occur without robust faculty consultation and a resolution from the ASCSU.

3. [AS-3641-23/FGA](#)

ASCSU Position on Tuition Policy Proposal

The Board of Trustees of the California State University (CSU) has on their agenda for the September 10-13 meeting a vote on a CSU Tuition Policy and another vote on a Multi-Year Tuition Proposal. The ASCSU supports the move to create a Tuition Policy proposal, but has concerns that the choice to bring this to the Board of Trustees for the first time in July, when classes are not in session, did not allow robust feedback

from students and faculty before a September vote by the Board of Trustees.

Therefore, the ASCSU requests that the Board of Trustees defer the vote on the Multi-Year Tuition Proposal until the impact of such a tuition increase on enrollments and diversity has been analyzed and reported upon. Further, the ASCSU requests that the Chancellor's Office never bring future tuition increases to the Board of Trustees for a first reading during May or July Board of Trustees meetings so that robust student and faculty input can be obtained via the regular shared-governance procedure.

FIRST READING

The following resolutions were presented for feedback from Senators and communication to campuses. The sponsoring committee(s) will revise these resolutions and introduce them for action at the November 2023 plenary.

1. **AS 3642-23/AA**

Request to the California State University Board of Trustees Not to Make Changes to CSU GE Breadth in Title 5 Until ASCSU Has Spoken

This resolution asks the Board of Trustees of the California State University (CSU) not to make changes to CSU GE Breadth in Title 5 until the ASCSU has spoken through a resolution on CSU GE Breadth.

2. **AS 3643-23/AA**

ON CSU GE and the Tenets of Shared Governance

This resolution articulates concerns about the possibility that the Board of Trustees will be asked to consider changes to CSU GE without accommodating time for the ASCSU to weigh in on the matter. The ASCSU would consider such an action as a serious violation of the Tenets of Shared Governance and faculty purview on curricular matters under HEERA.

3. **AS-3644-23/JEDI/AA**

Strengthening California's Inclusive, Multicultural Democracy by Eliminating Legislation and Policies that Ban Books and Block Citizens' Rights and Engagement

This resolution strongly supports the Governor and the Legislature of the State of California's [AB 1078](#) Instructional Materials and Curriculum: Diversity. AB 1078 (if signed by the Governor) will amend Section 234.1 of the Education Code to prohibit the governing board of a school district, a county board of education, or the governing body of a charter school from refusing to approve or prohibiting the use of any textbook, instructional material, or other curriculum or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group consistent with requirements relating to instruction in social sciences and the adoption of instructional materials that accurately portray the cultural and racial diversity of our society. The resolution encourages the creation of bills that promote the "freedom of public libraries, library systems, and educational institutions to acquire materials without external

limitation and to be protected against attempts to ban, remove, or otherwise restrict access to books or other materials.”

**Academic Senate
of
The California State University**

**In Opposition to California State University Administration
Communications Regarding Bargaining**

1. **RESOLVED:** That the Academic Senate of the California State University (ASCSU) insist that California State University administrators —especially those in the Chancellor’s Office Administration— refrain from communicating about bargaining directly with CSU faculty and staff during contract negotiations; and thereby uphold their duty “not to make certain changes without bargaining with the union and not to bypass the union and deal directly with employees it represents”¹; and be it further

2. **RESOLVED:** That the ASCSU distribute this resolution to:
 - CSU Board of Trustees
 - CSU Chancellor
 - CSU campus Presidents
 - CSU campus Senate Chairs
 - CSU campus Senate Executive Committees
 - CSU Provosts/Vice Presidents of Academic Affairs
 - California Faculty Association (CFA)
 - California State University Employees Union (CSUEU)
 - California State Student Association (CSSA)
 - CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA)
 - California Public Employees Relations Board (PERB), Eric Banks, Chair

¹<https://www.nlr.gov/about-nlr/rights-we-protect/the-law/bargaining-in-good-faith-with-employees-union-representative>

Rationale

The CSU and the CFA are currently in the formal process of bargaining. CSU Interim Chancellor Koester has communicated directly with CSU faculty employees to provide advice about bargaining through a August 10, 2023, letter, and again on August 25, 2023, via a YouTube video² delivered by campus email from administration such as campus presidents, provosts, or HR directors. In communicating directly with CSU workers using channels available only to top level administrators, CSU Administration risks the interpretation that they are attempting to strong-arm employees into accepting management's bargaining package. Interim Chancellor Koestler's communications directly to faculty included management's perspective on the impact of the CFA's bargaining demands on the CSU budget. Her comments suggested that the CFA, the faculty's sole bargaining representative, were not adequately informing faculty membership of the administration's positions, and thereby not effectively representing faculty interests. At a time of bargaining impasse coupled with projected state budget shortfall and CSU system budget worries, the content (and perceived intent) of this communication has done little to build trust. Any suggestion that the YouTube video might have been appreciated by employees can be dispelled by the responses in YouTube, in which 96% responded negatively; negative responders were far more likely to identify themselves, whereas the relatively few who have indicated support by liking the video remain anonymous.³

² <https://www.youtube.com/watch?v=hMtIIZInzM>

³ See footnote 2.

CSU Administration communication attempting to persuade employees to accept management's positions should cease while bargaining is ongoing. These messages can be seen as potentially violating fair bargaining practices specified by the National Labor Relations Board (NLRB)⁴ and the California Public Employment Relations Board (PERB)⁵, which provide employers and employees guidance regarding the responsibilities for administering collective bargaining statutes. The National Labor Relations Board specifically indicates that:

Employers have a legal duty to bargain in good faith with their employees' representative and to sign any collective bargaining agreement that has been reached. This duty encompasses many obligations, including a duty not to make certain changes without bargaining with the union and not to bypass the union and deal directly with employees it represents...⁶

⁴ See footnote 1

⁵ <https://perb.ca.gov/>

⁶ See footnote 1.

**Academic Senate
of
The California State University**

**Separation and Timing of Title 5 Changes Relating to CSU General Education
Breadth and Cal-GETC**

1. **RESOLVED:** That the Academic Senate of the California State University (ASCSU) thank the [Intersegmental Committee of Academic Senates \(ICAS\)](#) and the ASCSU Executive Committee members, as members of ICAS, for completing their work in developing the [Cal-GETC](#) transfer pathway; and be it further
2. **RESOLVED:** That the ASCSU support the California State University (CSU) Board of Trustees' expedient consideration of the Cal-GETC transfer pathway based on the recommendations from ICAS, as required by Assembly Bill 928; and be it further
3. **RESOLVED:** That the ASCSU reiterate its position that CSU GE Breadth and [Cal-GETC](#) are separate issues; and be it further
4. **RESOLVED:** That the ASCSU recognize that changes to CSU GE Breadth are under the purview of faculty in the CSU as per the [Higher Education Employee Relations Act \(HEERA\)](#); and be it further
5. **RESOLVED:** That the ASCSU request that the Chancellor's Office, in its communication to the campuses, refrain from creating the impression that alignment of CSU GE Breadth to [Cal-GETC](#) is inevitable or even desirable, since this is a curricular matter; and be it further

6. **RESOLVED:** That the ASCSU ask the Chancellor and the Chair of the CSU Board of Trustees to put Title 5 changes on the agenda of the Board of Trustees in Fall 2023 *only insofar as* they relate to changes that implement Cal-GETC (Section 40405.2 Intersegmental General Education Transfer Curriculum) for transfer students as required by AB 928; and be it further
7. **RESOLVED:** That the ASCSU ask the Chancellor and the Chair of the CSU Board of Trustees *not* to put Title 5 changes on the agenda of the Board of Trustees *insofar as* they relate to CSU GE Breadth (Section 40405.1. State University General Education--Breadth Requirements) until after the ASCSU has had a robust consultation with the faculty and brought forward a resolution articulating the faculty's position on any change to CSU GE Breadth: and be it further
8. **RESOLVED:** That the ASCSU distribute this resolution to: CSU Board of Trustees,

CSU Chancellor
CSU campus Presidents
CSU campus Senate Chairs
CSU Campus Executive Committees
California Faculty Association (CFA)
California State Student Association (CSSA)
CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA)

Rationale

When the Academic Senate of the California State University (ASCSU) committed to working with the [Intersegmental Committee of Academic Senates \(ICAS\)](#) to create a pathway that ensured transfer student admissions to the California State University (CSU) and the University of California (U.C.), the goal was to further transfer student

success. That goal has been achieved. The purpose of this resolution is to acknowledge this historic achievement and effort by reaffirming the distinction between the newly created [Cal-GETC](#) pathway, as per [AB 928, Berman. Student Transfer Achievement Reform Act of 2021: Associate Degree for Transfer Intersegmental Implementation Committee](#), and California State University General Education Breadth (CSU GE Breadth), and ensure the success of transfer students to the CSU, but not at the expense of first-time, first-year student success under CSU GE Breadth. To reaffirm faculty purview over CSU curriculum under the Higher Education Employer Employee Relations Act (HEERA), the distinction between CSU GE Breadth and [Cal-GETC](#), and to prevent a situation in which CSU GE Breadth moves from the CSU faculty and into the hands of faculty across the three segments of higher education in the State of California, this resolution reiterates that any changes to CSU General Education (GE) must be accompanied by robust consultation with the Academic Senate, California State University (ASCSU) as per the [“Tenets of Shared Governance”](#). While faculty and administrators may hear much about the need for alignment between CSU GE Breadth and [Cal-GETC](#), this resolution serves as a reminder that alignment is not required by [Assembly Bill \(AB\) 928](#) and robust systemwide faculty consultation is required before any such change occurs.

**Academic Senate
of
The California State University**

ASCSU Position on Tuition Policy Proposal

1. **RESOLVED**, That the Academic Senate of the California State University (ASCSU) support the move to create a Tuition Policy proposal before the Board of Trustees of the California State University at their September 10-13 meeting; and be it
2. **RESOLVED**: That the ASCSU request that the Board of Trustees defer the vote on the Multi-Year Tuition Proposal until the impact of such a tuition increase on enrollments and diversity has been analyzed and reported upon; and be it
3. **RESOLVED**: That the ASCSU request the Chancellor's Office never bring future tuition increases to the Board of Trustees for a first reading during May or July Board of Trustees meetings so that robust student and faculty input can be obtained via the regular shared-governance procedure; and be it
4. **RESOLVED**: That the ASCSU distribute this resolution to:

CSU Board of Trustees
CSU Chancellor
CSU campus Presidents
CSU campus Senate Chairs
CSU campus Senate Executive Committees
California State Student Association (CSSA)
CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA).

Rationale

The Board of Trustees of the California State University (CSU) has on their agenda for the September 10-13 meeting a vote on a CSU Tuition Policy and another vote on a Multi-Year Tuition Proposal as part of a combination resolution :

<https://www.calstate.edu/csu-system/board-of-trustees/past-meetings/2023/Documents/FULL-BINDER-sep-10-13.pdf> (see pages 138-140 for the Tuition Policy agenda item and

pages 141-152 for the resolution that includes a 5-year, 6% tuition increase per year proposal netting a 33.8% tuition increase across the year 2024 thru 2029 timeframe).

It may be important for the timing of the vote on the Multi-Year Tuition Proposal to happen early within an academic year to give applicants information about what they will be facing. However, the choice to bring this to the Board of Trustees for the first time in July, when classes are not in session doesn't allow robust feedback from students and faculty before a September vote by the Board of Trustees. The ASCSU does not meet between May and September and, similarly, CSSA doesn't meet as a full body over the Summer to consider such issues and provide input to the Trustees.