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## Faculty Trustee's Report

### CSU Board of Trustees Meeting – March 19-20, 2019

Hereby I respectfully submit a summary of the Board of Trustees meeting. My report is largely based on the agenda materials provided to the trustees, on my personal notes, on my memory, and on a partial review of the archived live-stream of the meeting.

I tried my best to accurately reflect the deliberations, and I hope to have quoted correctly and paraphrased in the spirit of the speakers' and presenters' intentions. If you notice any inaccuracy or misrepresentation, please let me know (Romey.Sabalius@sjsu.edu).

Since the primary audience of this report is the faculty of the statewide academic senate (ASCSU), the focus is stronger on educational policies, legislative matters, state appropriations, and comments from the public than on other Board agenda items.

Towards the end of my first term as Faculty Trustee, I will have visited 21 campuses in an official capacity. For the remainder of this semester, I am scheduled to visit the following institutions:

Apr. 22: CSU Stanislaus

Apr. 23: CSU Bakersfield

Apr. 24: CSU Fresno

May 14: CSU Channel Island

Additionally, I plan to attend graduation ceremonies at San Marcos, San Diego, and San Francisco.

I look forward to seeing you when I will be on your campus,

Romey Sabalius  
Faculty Trustee

San José, CA – April 3, 2019

# Faculty Trustee's Report

## CSU Board of Trustees Meeting: March 19-20, 2019

On March 19 and 20, the CSU Board of Trustees meeting was held at the Chancellor's Office of the California State University at 401 Golden Shore in Long Beach, California.

On March 18, prior to the Board meeting, the trustees selected **two new presidents** in **Closed Session**. From a diverse and highly qualified group of finalist, Fram Virjee was chosen as president for CSU Fullerton and Ellen Neufeldt as president for CSU San Marcos.

On March 19, at 8:30 am

1. The **Board of Trustees** met in **Closed Session** to discuss Executive Personnel Matters and Pending Litigation [more on the latter under 11.b. *General Counsel's Annual Litigation Report*].
2. The **Committee on Collective Bargaining** met in **Closed Session**.  
[Note: The Faculty Trustee is excused from deliberations of the Collective Bargaining Committee].

The **Public Meeting** started at 10:00.

3. The **Committee on Collective Bargaining** began with Public Comments. As usual, Ejmin Hakobian was listed as speaker to address every single committee of the Board. Throughout the meeting on Tuesday, he voiced a series of unrelated grievances. On Wednesday, he was not present. Several members of the CSU Employees Union (CSUEU) addressed a variety of contractual issues.
  - a. The committee adopted the Initial Proposals for a Successor Collective Bargaining Agreement with Bargaining Unit 13, the English Language Program at Los Angeles.
  - b. The committee adopted the Initial Proposals for a Successor Collective Bargaining Agreement with Bargaining Unit 14, the English Language Program at Monterey Bay.  
These units represent English teachers that are not part of the faculty, e.g., those who instruct incoming foreign students at CSU affiliated language centers.
4. The **Committee on Campus Planning, Buildings and Grounds** began with Public Comments. Four representatives of Students for Quality Education (SQE) criticized the militarization of campus police and called for a disarming of UPDs.
  - a. The committee approved the Categories and Criteria for the Five-Year Plan. Trustee Carney asked whether any action was taken to improve the utilization of campus facilities on Fridays and weekends, and how the projected decline in high school enrollments is taken into account in the Five-Year Plan. Executive Vice Chancellor



and Chief Financial Officer, Steven Relyea, explained that campuses use software tools that map out the optimal utilization during the week. [He did not address utilization on the weekend, though].

In regards to enrollment decreases or fluctuation, Relyea pointed to a certain flexibility the CSU has to adjust to some degree with the mix of classroom instruction, online, and hybrid courses. He added that the CSU still turns away a great number of eligible students –due to lack of resources– and hence a decline of high school graduate would probably mean a reduction of rejections. Chancellor White added that while the number of high school graduates in California is flattening out, the number of CSU eligible graduates (due to completion of A-G) is still rising. Also the California Community Colleges (CCCs) have committed to increase their transfer students by 35%. Accordingly, for the time being, the CSU is still in expansion mode.

- b. The committee received a presentation on Campus Emergency Preparedness and Response. Three campus presidents (Sakaki/Sonoma, Beck/Channel Island, and Hutchinson/Chico) shared stories to illustrate the complexities of emergency situations that reach far beyond the campus boundaries. An extensive question and answer period followed, further clarifying emergency responses and procedures. The importance of a trained emergency response team, good communication, and cooperation with the community (incl. first responders and law enforcement) was stressed.

Trustee Taylor asked if the CSU can tap into emergency funds from the state. EVC Relyea responded that this is the case with both state and federal funds. Trustee Hinton expressed her hope that in case of mental health emergencies, it would be counselors, who would be contacted, and not the police. EVC Relyea responded that if there is any indication that someone is in danger, then police will have to be dispatched. He added that all university police officers have training in mental health issues. Chancellor White added that university police is better trained to assess in a student setting if it is a “helping moment” versus a “handcuff moment” as compared to municipal law enforcement.

5. The **Committee on Finance** began with one Public Comment by Ejmin Hakobian.
  - a. The committee received the Quarterly Investment Report. As of September 30, 2018, the CSU had an investment portfolio of \$4.64 billion. “Neither state general fund nor CSU auxiliary funds are included in CSU investments.”
  - b. The committee received the Annual Debt Report. As of the end of 2018, the Systemwide Revenue Bond (SRB) debt was approximately \$6.2 billion. “The SRB program provides capital funding for projects of the CSU approved by the trustees, including student housing, parking, student union, health center, continuing education facilities, certain auxiliary projects, and other academic facilities. Revenues from these programs and revenues approved by the trustees, including CSU operational funds, are used to meet operational requirements for the projects and to pay debt service on the debt issued to finance the projects.”



- c. The committee received a presentation on *Operational Effectiveness Initiatives*. In 2018, efforts to generate cost savings and to avoid costs amounted to a total of \$101.4 million (Construction \$20.1m / Information Technology \$26.9m / Facilities Operations & Energy \$17.1m / Instructional Services & Equipment \$20.3m / Academic Support Services \$17m).

Trustee Nilon stressed the continuous need to strive for efficiency and effectiveness and suggested to consider the establishment of a trustee award for efficiencies and innovations that result in cost savings. Trustee Sabalius observed that many campuses have almost identical buildings dating from the 1960s or 70s. Obviously, they were designed for multiple campuses and possibly commissioned jointly for construction. Buildings approved in the last 1 ½ years that he served on the Board have all been different and have been individually designed, although they fulfill the same purposes (various science buildings, housing projects, parking facilities). Therefore, he wondered whether one global design, possibly containing exchangeable modules, could save money in development and construction.

Assistant Vice Chancellor for Capital Planning, Design and Construction, Vy San Juan, replied that during her time in this position only one campus (East Bay) has re-used a design from a previous housing project to save costs. She affirmed that her staff is discussing how to promote that practice, in particular how to get through the state fire marshal review process faster when buildings have similar designs. EVC Relyea added that the CSU has generated savings in “construction delivery methods” by providing centralized insurance, consolidating architectural design and contracting, and by “hedging” building materials such as steel. In response to a question by Trustee Taylor, EVC Relyea explained that to partner with the UC on insurance would actually increase costs for the CSU. Chair Day hopes that the CSU can more systematically support campus efforts to utilize open educational resources, since cost for textbooks since the 1970s have gone up by more than 1,000%.

## 6. The Committee on Audit

- a. received the *Status Report on Current and Follow-up Internal Audit Assignments* by Larry Mandel, Vice Chancellor and Chief Audit Officer. “For the 2019 year, assignments were made to develop and execute individual campus audit plans; conduct audits of Information Technology (IT), Sponsored Programs and Construction; use continuous auditing techniques; provide advisory services and investigation reviews; and continue implementation activities for the redesign of Audit and Advisory Services. Follow-up on current and past assignments was also being conducted on approximately 30 completed campus reviews.”
- b. received the *Report of the Systemwide Financial Statements and Single Audit of Federal Awards Including the Report to Management*. The total CSU revenues for the fiscal year ending June 30, 2018 was \$9.7 billion in operating and non-operating funds (an increase of \$1.5 billion from the previous fiscal year). Of that total amount approximately half were state appropriations and investment income, slightly less than a quarter came from tuition and fees, and a bit more than a quarter from grants, contracts, and gifts as well as sales and services. The expenses during that year



increased by \$1.8 billion, due to changes in accounting standards to reflect future post-employment benefits (health care for retirees), to amount to a total of \$10 billion. Nearly 70% of the expenses covered instruction and educational support. 10% was spent on institutional support, and almost 10% on operations and maintenance.

Several probing questions by Trustee Taylor and Trustee McGrory highlighted that the CSU has \$23.7 billion in unfunded pension liabilities (\$9.8 for pensions after the regular set-aside allocations and \$13.9 for health insurance). So far, the state contributes approximately \$1 billion annually to our unfunded pension liabilities as part of their budget process. However, Trustee McGrory observed that there is a risk that someday this responsibility may be shifted to the CSU. And in the words of Trustee Taylor, “there is a point at which this Board is going to be faced with some very difficult decisions.” EVC Relyea opined that in the future we will not be able to maintain a very costly ‘defined benefit system’ that most companies and many universities abandoned a long time ago.

[Are you depressed yet – I like it better when the audit report comes after Educational Policy]

- c. heard a presentation by Vice Chancellor and Chief Audit Officer, Larry Mandel, on Individual Consequences for Intentional Fiscal Improprieties at the CSU.

Fortunately, these are rare, amounting to only 10 to 20 cases each year. “The vast majority of CSU personnel are well intentioned and have the desire to conduct business activities with the utmost propriety.” “Suspected fiscal improprieties of \$5,000 or more and losses greater than \$50,000 must be reported to the California State Auditor and the Department of Finance.” “The appropriate prosecuting authority shall determine in its discretion whether to pursue criminal prosecution.”

The Board debated a resolution by the Committee to lower the reporting threshold to \$20,000 for “fiscal impropriety such as fraud, theft, or intentional misuse of funds resulting in a loss.” Decisions of the Audit Committee (just like those of the Bargaining Committee) are final and do not come before the entire Board. Chancellor White wanted to make sure that all ambiguities addressed in the discussion will be removed, and he recommended a postponement to re-write the resolution. His suggestion was accepted by the Committee with the expectation to bring the matter back as an action item for the Board meeting in May.

- 7. The **Committee on Governmental Relations** began with Public Comments. Members of the California Faculty Association (CFA), including President Jennifer Eagan, expressed their support for AB 392 (Weber), which aims to limit the deadly and serious use of force by police to improve racial and social justice. Several students lobbied for support for a variety of student financial aid bills.
  - a. The committee received a State Legislative Update. Vice Chancellor for University Relations and Advancement, Garrett Ashley, reported that 2,710 measures were introduced this year, and his staff has identified more than 500 for further review or monitoring. Assistant Vice Chancellor for Advocacy and State Relations, Kathleen Chavira, focused on the roughly 50 bills included in the agenda materials.



The CSU sponsors only two bills. AB 829 (Bloom) would grant the CSU the authority to offer independent doctorate programs in Occupational Therapy, and SB 14 (Glazer) intends to place a \$8 billion Higher Education Facilities Bond for the UC and the CSU on the ballot in 2020. Most of the monitored bills concern financial aid, student well-being, and higher education coordination and data legislation. For the time being, the CSU maintains a pending position on all of these proposed bills.

Several other assembly and senate bills are also being monitored and are in a pending status. Only AB 369 (Weber) is opposed by the CSU right now, because an automatic 5% annual increase in salary for all employees except management and faculty would be an unfunded mandate.

CSU staff lobbied jointly with the Academic Senate (ASCSU) and the California State Student Association (CSSA) for the full funding of the Board's budget request in the area of enrollment, the Graduation Initiative, and for deferred maintenance.

8. The **Committee on Educational Policy** began with *Public Comments*. 29 speakers addressed the board. Faculty and students from Cal State LA as well as representatives from Promesa, a community organization in Boyle Heights, spoke against a declaration of impaction at Cal State LA. They presume that it would further restrict access to students of color. Many students advocated for support of legislation to reform financial aid, and representatives from several organizations as well as two parents spoke against the implementation of a 4<sup>th</sup> year high school math/quantitative reasoning course as an admission requirement to the CSU. They fear that it will create an additional barrier to college access and increase educational inequities.
  - a. The committee approved the *Academic Planning* report. A Doctor of Audiology was approved for Cal State LA and Northridge and is under review at Sacramento and San José. 26 new degree program projections have been approved (10 undergraduate and 16 graduate programs). The implementation time for 10 projected programs expired, and consequently they will be removed from the Academic Master Plan. 38 existing programs suspended admission of new students, and 15 existing programs were discontinued. It is notable that French Programs were suspended or discontinued at four campuses (MA at Fullerton and San José and BA at Northridge and Stanislaus). Furthermore, by now 98% of CSU undergraduate degrees require no more than 120 units or have received a variance approval from the chancellor.
  - b. The committee received a presentation on *Academic Preparation*. Assistant Vice Chancellor and Senior Strategist for Academic Success and Inclusive Excellence [most likely the longest title in the CSU], James Minor, reported on the impact of Executive Order 1110. In 2018, approximately the same number of students as in the previous year (over 17,000) entered with the need for additional academic support in math. 46% of these students passed the newly designed co-requisite courses. In 2017, only 5% of students with remediation needs completed a traditional credit-bearing lower-division math course. AVC Minor expects that the changes will also help to close the equity gap, since traditionally underserved students were disproportionately assigned to non-credit bearing remediation courses. Executive Vice Chancellor for Academic and Student Affairs, Loren Blanchard, concluded that



the previous policies started students off with a deficit by requiring remediation courses. However, the students can succeed in credit-bearing courses when challenged and adequately supported.

EVC Blanchard thanked the public speakers for their perspective on a 4<sup>th</sup> year math/QR entry requirement and promised to take their concerns under consideration as they continue to study the proposal. In the ensuing discussion, he explained that there would be a six year time-line for implementation because it would require intensive coordination with the K-12 sector.

Trustee Steinhauser, Superintendent of the Long Beach Unified School District, shared the development process of a 4<sup>th</sup> year math/QR course in his district. He admitted that he was skeptical about the necessity and feasibility, but when pushed by CSU Long Beach to offer these courses, they turned out to be a big success and students passed them in high numbers in his district that enrolls 86% minority students. Trustee Morales lamented the lack of information parents have about A-G and other college admission requirements.

Trustee Simon was shocked to hear in Public Comment that the CSU merely enrolls 4% of African-American students, and she desires a debate on how to make sure that our institution is representative of its constituents. Chancellor White concluded the discussion by proclaiming that “we fundamentally do not accept the deficit model,” and that the CSU will continue to set “high achieving expectations for low enrichment background students.” He wants us to be even more “well-known for the students that we include, rather than for the students we exclude at entry or along the way.”

- c. The committee received a presentation on Student Financial Aid. The Director of Student Financial Aid Services and Programs, Dean Kulju, reported that for 2017-2018, grant assistance to nearly 400,000 recipients totaled \$2.4 billion, which is more than half of the \$4.5 billion in total aid (1.9 billion in loans, 90 million in EOP funds, 22 million in work-study, etc.). He welcomed the change in federal law to allow for summer Pell Grants, and –accordingly– the number of students using Pell Grant funding for summer classes has tripled from 2017 to 2018 (from 7,000 to 21,000 students). He stated that the CSU supports state financial aid reform, and he cited a few examples such as removing some of the restrictions for non-traditional students (currently students are eligible up to age 27), establishing supplemental summer Cal Grant eligibility and augmenting support for summer enrollment, and a focus on the total cost of attendance, rather than predominantly on tuition.
- d. The committee received a presentation on External Partnerships. AVC Minor presented some of the many partnerships that the CSU developed to connect with diverse communities. Super Sunday is an outreach program in which more than 100 predominantly African-American churches participate. In February every year, CSU representatives speak to congregations about the life-long value of a college education as well as the accessibility and affordability of the CSU. The Summer Algebra Institute for high school students tries to enhance college readiness in underserved communities and to support early engagement with a CSU campus.



Cultural initiatives in many forms encourage underserved students to apply to the CSU, then attempt to improve their retention, and to increase degree completion.

A report on community engagement lauded high-impact practices that combine service learning with academic course work. For the 2017-18 academic year, over 67,500 students enrolled in service-learning courses that contributed 1.5 million hours of service to California communities. Currently, the CSU has more than 5,500 community partnership, and the number of service-learning courses increased from 1,000 in the year 2000 to almost 3,500 in 2018. These programs positively impact the community while providing the students with experiential learning opportunities.

Trustee Taylor asked about the time commitment for students in service-learning courses, which ranges from 15 to 20 hours minimum per course. Trustee Kimbell noted that the CSU is often perceived as holding out our hand for funds. Yet, this service-learning example shows that the CSU also extends a helping hand. As a recipient of service-learning students for the Long Beach Unified School District, Trustee Steinhauser thanked the CSU for the over 1,000 students that the Long Beach campus sends every semester. They are great role models for children in elementary and middle schools, and it strengthens the teacher pipeline, because many students develop an interest in becoming educators.

9. The **Committee on University and Faculty Personnel** began with Public Comments. Three speakers from the CSUEU communicated their concern about campus emergency preparedness and they argued for greater flexibility in the catastrophic leaves donation program, which currently is limited to transferability within the campus.
  - a. The committee approved the Executive Compensation: President – CSU Fullerton. Newly appointed permanent president Framroze Virjee will continue the salary he previously received as term-president, which is \$367,124 per year plus an auto allowance of \$1,000 per month.
  - b. The committee approved the Executive Compensation: President – CSU San Marcos. Newly appointed president Ellen Neufeldt will receive an annual salary of \$336,719, which is the same that the out-going president collects. Additionally, she will get an annual housing allowance of \$60,000, as well as an auto allowance of \$1,000 per month.
  - c. The committee approved the Recommended Revisions of Title 5, Catastrophic Leave Donation Program. Vice Chancellor for Human Resources, Evelyn Nazario, presented the changes to the program, which should expand the possibility to receive and to donate catastrophic leave time. Currently, her office is exploring the technology necessary to enable donation across campuses.
  - d. The committee approved the Recommended Amendment to the Presidential Selection Policy. The change will increase the student representation on the Advisory Committee to the Trustees for the Selection of the President (ACTCSP) from one to two, which “will broaden the student voice during the presidential selection process.”



## 10. The Committee on Organizations and Rules

- a. approved the Board of Trustees' Meeting Dates for 2020. Compared to 2019, the Board will meet earlier in May [good for trustee attendance at graduations] and later in January and September [good for statewide academic senate meetings, which are scheduled in the preceding week – the proposed schedule helps to avoid ASCSU meetings during the winter break or too close to the start of the fall semester].

## 11. The Committee of the Whole

- a. approved the Appointment of Five Members to the Committee on Committees for 2019-2020. They are Jane Carney (Chair), Wenda Fong, Emily Hinton, Jack McGrory, and Hugo Morales. The Committee on Committees will assign trustees to the various committees for the coming academic year, as well as select the chairs and vice chairs for these committees.
- b. received the General Counsel's Annual Litigation Report. Currently, there are 116 active litigations. The case volume almost doubled from 2011 to 2019. There are several reasons for the steep increase.

- due to congested court calendars, cases remain active longer
- litigation rises as the economy improves
- employment litigation is on the rise nationally
- student litigation regarding sexual misconduct has increased.

Nearly half of the cases are employment matters, about a quarter are student related, and 20% are personal injury. The case resolution record since February 2018 is quite good. Approximately half of the cases were settled, a third were 'won' (judgement for the CSU or dismissed), and 9% were lost. Of the 8 cases lost, six cases involved challenges how Title IX sexual misconduct investigations and hearings are done. No students have been awarded damages in any of these cases. One attorney won \$7,500 in fees. In one of the remaining two "lost" cases a student was awarded \$1 (one dollar), but the judge awarded the CSU \$26,386 in attorney costs because the plaintiff did not accept a reasonable \$5,000 settlement offer. The only truly 'lost' case was a construction dispute bovver cost overruns, in which the contractor was awarded \$508,000 in additional compensation. That success notwithstanding, some of the settled cases are very costly to the CSU, such as the \$2.75 million award for a former Senior Athletics Director.

- c. conferred the Title of Trustee Emeritus on James Lawrence Norton, whose term as trustee ends with this meeting. "Larry" Norton did not seek re-nomination, and while he is looking forward to more leisure time, he will "continue to worry about stable and adequate funding for the CSU."
- d. As a non-agenda item, Trustee Firstenberg shared information about a new grant for the Lawrence de Graff Center for Oral and Public History at CSU Fullerton sponsored by a new group called "Visionary Women." The grant will enable the launch of the CSU Women Presidents Oral History Project, with departing presidents Karen Haynes and Lisa Rossbacher as the first participants.



12. The **Plenary Session** began with Public Comments. Five members of the CSUEU spoke primarily in support of the catastrophic leaves donation program. Three students from SQE again criticized the militarization of campus police and called for their disarmament. Each of them spoke in excess of their allotted time and eventually their microphones were shut off. Students from Humboldt State demanded more safety on campus, especially for students of color. Charmaine Lawson, mother of murdered Humboldt State student Josiah Lawson, read a statement in condemnation of the closing of the homicide case without bringing anyone to trial. She asked the trustees for help. Chair Day reaffirmed that he would “support her in requesting a meeting with the Attorney General, so that another level of law enforcement can review the actions of the District Attorney.” Trustee Hinton left her seat and stood by Ms. Lawson’s side as a gesture of support. Trustee Carney encouraged all speakers who were cut off to submit their comments in writing to the Board. [The submitted comments were distributed to the trustees this week).

The Board received the following Reports:

- a. The Chair of the Board of Trustees, Adam Day, pointed out that March is Women’s History Month. He congratulated four CSU leaders, who received the Woman of the Year award from state lawmakers: Student Trustee Hinton and Presidents Beck (Channel Island), Harrison (Northridge), and Papazian (San José). He also congratulated Chancellor White for having received the Leadership Champion Award for men who help advance women to leadership positions. Chair Day asserted CSU’s national leadership role in diversity among students, faculty, staff, and administrators. He mentioned that Governor Brown appointed more women to the Board of Trustees than anybody in California history, and that half of our campuses are led by female presidents, which is double the national average. He concluded by again expressing his support for adequate mental health counseling throughout the CSU
- b. Chancellor Tim White commented on the recent admissions scandal. He stressed that no CSU campus is involved and he promised fairness and equity in our admission policies. He also spoke about the “value of a CSU degree,” which can be measured in benefits for our society and economy, in monetary gains as well as job satisfaction and security for the individual, but also in many indirect benefits including more civic engagement, life-long learning, a healthier lifestyle, a higher level of happiness, and many others. He went on to cite various examples of students, alumni, and campus presidents helping the community, and he reiterated his claim that “we are California’s Compassionate State University.”
- c. The Chair of the Academic Senate CSU (ASCSU), Catherine Nelson, presented and explained resolutions passed at the Academic Senate’s March meeting and referenced resolutions that received a first reading. She elaborated on the senate’s opposition to AB 1460 (Weber) to make an Ethnic Studies course a CSU-wide graduation requirement. She maintained that “the body supports the intent of the proposed legislation, but opposes the resulting legislative intrusion into the curriculum.” She also noted that two first-reading resolutions in response to the recently released report of General Education Task Force would take the senate in two opposing directions. Yet, “both are based on the same fundamental principle that faculty control the curriculum, and consequently, that as the



voice of the faculty in system-wide curricular matters, the ASCSU is the only body that should make recommendations, if any, for changes in CSU GE based on the report.”

- d. Mia Kagianas, President of the California State Student Association (CSSA), reported on her organization’s position on proposed bills, and she mentioned various students’ advocacy efforts in both Sacramento and Washington D.C., in particular in regards to financial aid reform. She recalled examples of joint advocacy efforts of students and the administration in the past, but she currently perceives a lack of a proactive partnership in regards to financial aid reform.
- e. The President of the CSU Alumni Council, Manolo Morales, was not present on Wednesday and will deliver his report at the Board meeting in May.

To close the session, the Board approved all resolutions that were previously passed in the various committees.

The Plenary Session of Board of Trustees was adjourned on Wednesday, March 20, shortly after 11 am.