

1999-2000
FACULTY SENATE
California State University, Sacramento

AGENDA

Thursday, September 16, 1999

3:00-4:00 p.m.

Mendocino Hall 1003



**SPECIAL MEETING
ORIENTATION FOR NEW,
CONTINUING AND ALTERNATE MEMBERS**

1. University governance and the role of the Faculty Senate
2. Senate Structure
3. Responsibilities of Senators
4. Senate meetings:
 - a. The agenda
 - b. The role of the Senate Chair
5. Parliamentary procedures - the basics
6. Questions

Note. Handouts will be provided at the meeting.

To access Faculty Senate Home Page: <http://www.csus.edu/acse/>



California State University, Sacramento

Faculty Senate

CSU,S Faculty Senate

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Committees of the Faculty Senate

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- Curriculum Committee
- Faculty Policies Committee
- [General Education Program/Graduation Requirements Committee](#)

Faculty Senate Documents

- [Constitution of the Faculty](#)
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Issues

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Links

- [California State University Academic Senate](#)
- [CSU Campus Senate Home Pages](#)
- [CSUS Council for University Planning \(CUP\)](#)
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- [The Hornet](#) is online daily
- [Tutorial on Robert's Rules of Order](#)
- [Links of Interest \(Oct/11/98\)](#)

Back to CSU,S

Update: September 5, 1999

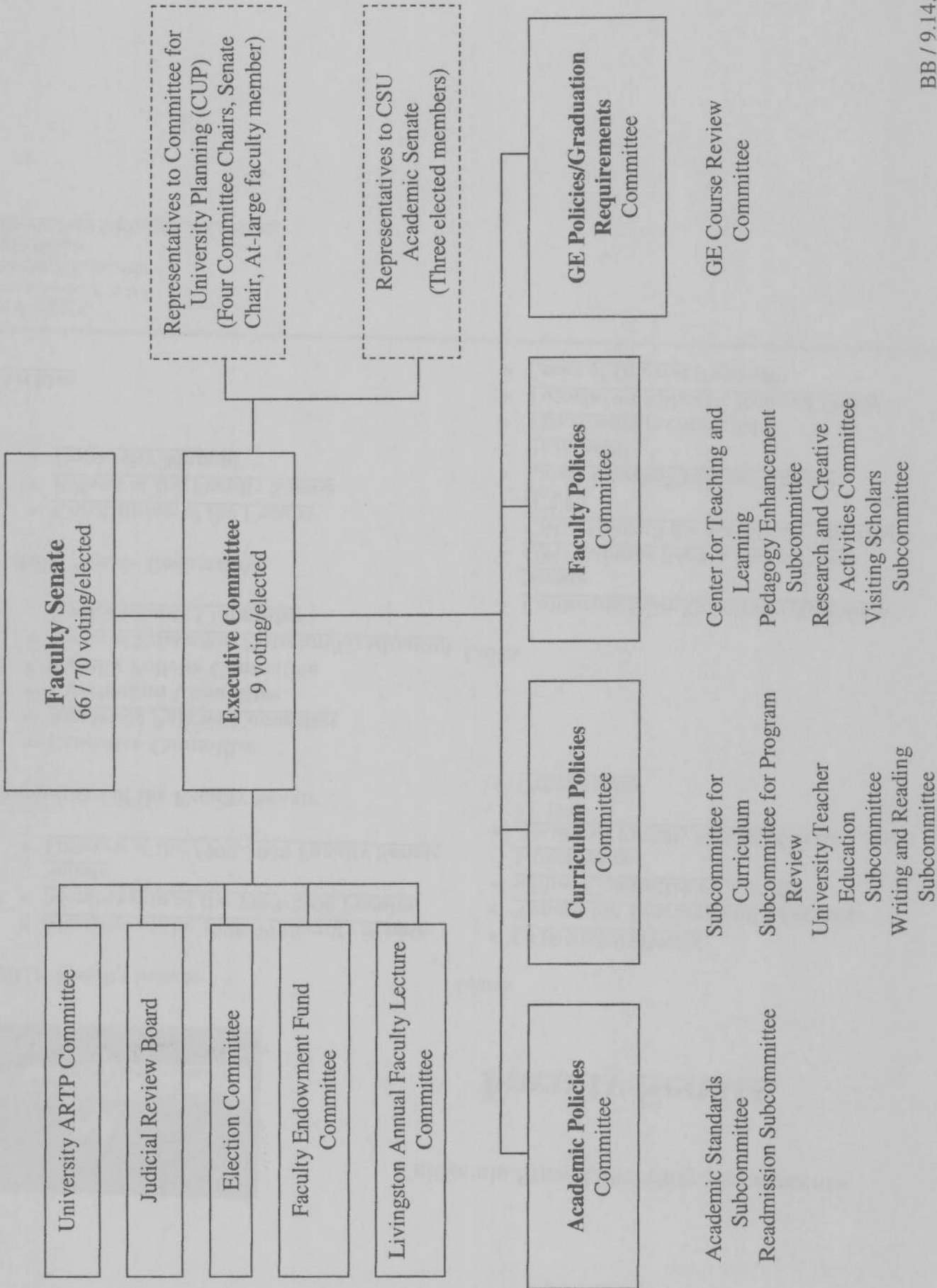
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1999-2000 Faculty Senate Organization

California State University, Sacramento



Robert's Rules - Primer

References

The New Robert's Rules of Order, 2nd Edition,
Mary A. DeVries, A Signet Book, 1998.

*MASTERING MOTIONS -- The Use of Motions
According to Robert's Rules of Order*,
A shareware product created by HanzelSof
(see Senate Web Page)

William Dillon, Senate Parliamentarian

Basic Principles

- Parliamentary procedures exists to facilitate the transaction of business and to promote cooperation and harmony
- All members have equal rights, privileges, and obligations
- A quorum must be present for the Senate to act
- Full and free discussion of every motion considered is a basic right

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More Basic Principles

- Only one question (main motion) can be considered at a time
- Members have the right to know at all times what the immediately pending question is, and to have it restated before a vote is taken
- No member can speak until recognized by the Chair

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And More...

- No one can speak a second time on the same question while another wants to speak for the first time
- The Chair should / must be strictly partial!

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**1999 – 2000 Faculty Senate
California State University, Sacramento
The Structure of Senate Meetings**

Order of Business	Description	Appropriate Actions
Roll Call	Call to order	
Moment of Silence	Remembrance of past campus community members	
Open Forum		Opportunity for members of the campus community to address the Senate on matters not on the agenda.
Approve Minutes		Motion, second and vote to approve the minutes as presented or corrected [majority vote required].
Approve Agenda		<p>Motion, second and vote. Approval [majority vote] includes approval of all items on the Consent Calendar. NOTE. When necessary and if approved by the Senate, the agenda can be amended and/or reordered.</p> <ul style="list-style-type: none"> • First Reading Items can be added to the agenda [majority vote required] • Items can be moved from First to Second Reading status [2/3 vote required] • First Reading Items can be reordered [2/3 vote required] • Second Reading Items can be reordered [2/3 vote required]
Consent Calendar	<p>In order to promote efficient meetings, the Senate may act upon more than one item by a single vote through the use of the consent calendar. Consent items shall be items of a routine nature or items for which no Senate discussion is anticipated and for which the Executive Committee recommends approval. Items commonly included in the Consent Calendar are committee reports, committee appointments, program review recommendations, and informational items indicating actions taken by the Executive Committee on behalf of the Senate.</p>	<p>A Senator can request that any item on the Consent Calendar be removed. No vote is required. The item will be discussed and disposed of immediately following the approval of the agenda.</p>

Order of Business	Description	Appropriate Actions
Second Reading Items	Motions introduced, discussed and debated in prior meeting are returned to the Senate for disposition	<p>Debate on the main motion. Subsidiary, or secondary, motions can be made as a means of disposing of the main motion. The six subsidiary motions are:</p> <ol style="list-style-type: none"> To lay a matter on the table removes the subject from consideration until the Senate votes to take it from the table To order the previous question moves to close the debate and the Senate immediately vote on the pending motion (when applied to amendments, all amendments are voted but not the main motion which is still open for amendments) To postpone the matter to a certain day To commit, or refer, the matter to committee To amend the motion in any of the following ways: <ul style="list-style-type: none"> to insert certain words or paragraphs to strike out certain words or paragraphs to strike out certain words and insert others to substitute another resolution or paragraph on the same subject to divide a motion into two or more motions to get a separate vote on specific points To postpone the matter indefinitely has the same affect as a negative vote on the motion
First Reading Items	Motions appearing before the Senate for the first time; each First Reading Item comes to the Senate as a motion that has been moved and seconded.	Motions are introduced to the body, discussed and debated
Information Items	Committee reports as well as general information from faculty, staff and students concerning issues affecting the University	

Source of Motions Appearing on the Agenda as First and Second Reading Items

A Committee of the Senate recommends a new policy, changes to existing policy or other action.	Senator proposes a motion for consideration (either during open forum or to the Executive Committee).	Senate moves, seconds and votes to approve moving a First Reading item to Second Reading and action [2/3 vote required]
Executive Committee establishes and orders the Agenda, including the order and, if necessary, the timing of both First and Second Reading items.		

The Constitution of the Academic Senate of the California State University

Preamble

The faculty of the California State University adopts this constitution in order to exercise its rights and fulfill its responsibilities in the shared governance of the University. As the official voice of the faculty in matters of systemwide concern, the Academic Senate of the California State University provides the means for the faculty to participate in the collegial form of governance which is based on historic academic traditions as recognized by California law.

Article I

Section 1. Purposes

- (a) It shall be the purpose of the Academic Senate of The California State University to promote academic excellence in The California State University; to serve as the official voice of the faculties of The California State University in matters of systemwide concern; to be the formal policy-recommending body on systemwide academic, professional and academic personnel matters; to ensure the joint responsibility of the Academic Senate and the Trustees in criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees; to be the primary consultative body on the academic implications of systemwide fiscal decisions; and to assume such other authority and other responsibilities and to perform such functions as may be delegated to it by the Chancellor or the Trustees of The California State University.
- (b) The Academic Senate shall be consulted on the creation of systemwide and intersegmental committees, conferences, or task forces designed to deal with educational, professional, or academically related fiscal matters, including the charge and composition of such bodies. The Academic Senate shall be responsible for the selection of representatives of the faculty to serve on or participate in such bodies.

Section 2. Relation to Campus Senates

- (a) The term campus senate shall mean the elected representative body established at each campus by its faculty.
- (b) The Academic Senate of the California State University shall have no authority over those matters delegated to the individual campuses by the Chancellor or the Trustees; and nothing in this Constitution shall be construed to impair the right of campus senates to communicate with the Chancellor and the Trustees.
- (c) The campus senates may suggest items for consideration by the Academic Senate and may make recommendations on matters before the Academic Senate, either through the campus representatives or directly to the Academic Senate.
- (d) To provide adequate communications with the faculties of the several campuses, the Academic Senate shall circulate to the senate and the president of each campus such materials as agendas for and minutes of its meetings, committee reports, and information on pending matters.

Article II

Section 1. Membership

The Academic Senate shall consist of 51 elected campus representatives as follows:

- (a) one senator from each campus with an FTEF of 100 or less
two from each campus with an FTEF of over 100
one extra senator for as many campuses as possible apportioned on the basis of the highest FTEF;
- (b) the immediate past chair of the Academic Senate if not an elected member;
- (c) the Chancellor or representative as an ex-officio non-voting member.

The immediate past chair of the Academic Senate if not an elected member shall not be counted as a campus representative.

Responsibilities of Academic Senates Within a Collective Bargaining Context

Collegiality and Collective Bargaining

On September 13, 1978, Governor Edmund G. Brown, Jr., signed into law AB 1091, The California Higher Education Employer-Employee Relations Act (HEERA). (Education Code Section 3560 et seq.) This legislation provides faculty members of the CSU an opportunity to determine whether they wish to be represented by an exclusive agent in negotiations on "...wages, hours of employment, and other terms and conditions of employment." [Section 3561(r)] This section of the Government Code also specifies the intent of the Legislature to preserve, under collective bargaining, traditional shared governance mechanisms, including consultation, and the principle of peer review in faculty personnel decisions. These intentions are expressed as follows:

The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of such institutions, and declares that it is the purpose of this act to both preserve and encourage that process. Nothing contained in this chapter shall be construed to restrict, limit or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices including the Academic Senate of the University of California and the divisions thereof, the Academic Senates of The California State University and Colleges, and other faculty councils, with respect to policies on academic and professional matters affecting The California State University and Colleges, the University of California, or Hastings College of the Law. The principle of peer review of appointment, promotion, and retention, and tenure for academic employees shall be preserved. [Section 3561(b)]

This document has been prepared to describe the respective responsibilities of the Academic Senate of the CSU and of the local Senates or Councils in this collective bargaining context. The relationships, functions, and responsibilities proposed in this document reflect consideration of HEERA, the Constitution of the Academic Senate of the California State University, and the tradition and practice in the CSU.

The Traditional Role of the Academic Senate in the CSU

The Trustees of The California State Colleges approved the Constitution of the Academic Senate on March 8, 1963. Prior to this a majority of the voting faculty at each of a majority of the college campuses had approved the document. Encouragement for the establishment of the systemwide Academic Senate, as well as for the creation of an Academic Senate on each campus, came from the Chancellor, members of the Board of Trustees and the California Legislature. The 1961 Legislature adopted Senate Resolution No. 98 and Assembly Concurrent Resolution No. 78 requesting the Trustees to establish an Academic Senate at each college "...wherein the faculty members shall be freely elected by their colleagues for the purpose of representing them in the formulation of policy on academic and professional matters." Senate Resolution No. 20, which resolved that the Trustees consider establishing an Academic Senate for the CSC system, was under discussion in the Senate Rules Committee when the Senate was created in 1963.

An examination of the initial Constitution of the Academic Senate CSC, as approved by the Board of Trustees, reveals the official purposes of the Senate:

It shall be the purpose of the Academic Senate of The California State Colleges to serve as the official voice of the faculties of The California State Colleges in matters of systemwide concern; to consider matters concerning systemwide policies and to make recommendations thereon; to endeavor to strengthen the Senates and Councils of the several colleges; and to assume such responsibilities and perform such functions as may be delegated to it by the Chancellor or the Trustees of The California State Colleges.

Senate participation in academic, professional, and administrative matters during the 18 years of its existence evidences a tradition of shared governance in the CSU and suggests appropriate

responsibilities for the Senate under HEERA. The collective bargaining act makes explicit provision for the preservation of this tradition and mandates continuing senate involvement in academic and professional matters.

Academic Senate Participation in Systemwide Governance

The Academic Senate shall continue to serve as the official voice of the faculties in systemwide academic and professional matters as specified in the Constitution of the Academic Senate CSU, Article 1, Section 1a.

The Academic Senate shall be the formal policy-recommending body on such matters and shall also be the primary consultative body on the academic implications of systemwide fiscal decisions. Normally, recommendations of the Academic Senate shall be addressed to or through the Chancellor.

In respect to systemwide governance, the Academic Senate endorses the following principles:

- A. Criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees shall be the joint responsibility of the Academic Senate and the Board of Trustees of The California State University and Colleges. [HEERA, Section 3562(r)] Criteria and standards determined jointly by the Academic Senate and the Board of Trustees shall be considered minimal; campus senates/councils may recommend additional criteria and standards.
- B. The Academic Senate shall be consulted on the creation of systemwide and intersegmental committees, conferences, or task forces designed to deal with educational, professional, or academically related fiscal matters, including the charge and composition of such bodies. The Academic Senate shall be responsible for the selection of faculty representatives to serve on or participate in such bodies.
- C. The Academic Senate shall be the formal policy-recommending body on general, systemwide policy decisions related to the following matters:
 - (1) minimum admission requirements for students;
 - (2) minimum conditions for the award of certificates and degrees to students;
 - (3) curricula and research programs;
 - (4) minimum criteria and standards to be used for programs designed to enhance and maintain professional competence, including the awarding of academic leaves; and
 - (5) systemwide aspects of academic planning.
- D. The Academic Senate shall be consulted on the following:
 - (1) systemwide aspects of program review;
 - (2) systemwide aspects of the basic direction of academic support programs;
 - (3) systemwide policies governing the appointment and review of presidents and academic administrators; and
 - (4) policies governing the appointment and review of systemwide executive officers and academic administrators.

The Academic Senate shall not participate in the process of collective bargaining. Normally, matters affecting wages, hours of employment, and other terms and conditions of employment shall not be considered by the Academic Senate. The Academic Senate shall endeavor to ensure that educational and professional matters do not become subjects of bargaining.

Campus Senate/Council Participation in Campus Governance

The Academic Senate shall have no authority over those matters delegated to the individual campuses by the Chancellor or by the Board of Trustees of the CSU. Furthermore, nothing in this document shall be construed to impair the right of academic senates/councils of the several campuses to communicate through appropriate channels with the Chancellor and the Board of

Trustees, nor to diminish the authority of the campuses and their senates/councils in campus matters of academic or professional criteria and standards.

Because joint decision-making and consultation between administrators and faculty is essential to the performance of the educational missions of the California State University, [the academic senates/councils of the campuses shall be the primary consultative bodies regarding educational and professional matters delegated to the individual campuses by the Chancellor or by the Board of Trustees and shall be consulted on fiscal matters which affect the instructional program.]

In respect to campus governance, the Academic Senate endorses the following principles:

- A. Responsibility shall be vested in the faculty or its elected senate/council representatives for:
 - (1) approval of degree candidates; and
 - (2) development of policies governing the awarding of grades.
- B. Through the campus academic senates/councils responsibility shall be vested in the faculty or its elected senate/council representatives for developing policies and making recommendations to the campus presidents on the following matters:
 - (1) criteria and standards for the appointment, retention, awarding of tenure, promotion and evaluation of academic employees, including preservation of the principle of peer evaluation and provision for the direct involvement of appropriate faculty in these decisions;
 - (2) determination of membership in the General Faculty;
 - (3) curricular policies, such as admission and degree requirements, approval of new courses and programs, discontinuance of academic programs, and academic standards;
 - (4) faculty appointments to institutional task forces, advisory committees, and auxiliary organizations; and
 - (5) academic standards and academic policies governing athletics.
- C. The academic senates/councils shall be the primary source of policy recommendations to the campus president on decisions related to the following matters:
 - (1) establishment of campuswide committees on academic or professional matters;
 - (2) the academic role of the library;
 - (3) academic awards, prizes, and scholarships;
 - (4) the academic conduct of students and means for handling infractions; and
 - (5) development of institutional missions and goals.
- D. The academic senates/councils shall be consulted by the campus presidents concerning:
 - (1) the academic calendar and policies governing the scheduling of classes; and
 - (2) policies governing the appointment and review of academic administrators.
- E. This outline of functions and responsibilities is intended to provide the essentials for a satisfactory system of shared governance but should not necessarily be viewed as a comprehensive enumeration of such functions and responsibilities.

(This document was approved by the Academic Senate CSU in May 1981.)

The Senate Enterprise in an Age of Reinvention and Change

RESOLVED, That the Academic Senate of the California State University adopt the report of the Task Force on Governance, "The Senate Enterprise in an Age of Reinvention and Change."

(This resolution, 2272, was approved by the Academic Senate CSU in May 1995.)

[The following report was an]

Attachment to
AS-2269-95/GA
AS-2270-95/GA
AS-2271-95/GA
AS-2272-95/G

Academic Senate of The California State University The Senate Enterprise in an Age of Reinvention and Change: The Report of the Task Force on Governance

March 9, 1995

Respectfully Submitted By:

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Prologue

In *The Effective Executive*, management expert Peter Drucker poses for any organization a powerful question: "If we did not already do this, would we go into it now?" The Academic Senate of The California State University (ASCSU) has just that question on its agenda. In a nutshell:

If we did not already have a statewide Senate, would we invent one now?

This report of the ASCSU Task Force on Governance means to forge an answer.

In Part I immediately below we offer a historical overview, seeking an answer to what the Senate's key functions and roles have been.

In Part II we mean to identify realities at hand, or evident trends, that we think are consequential for the function and role of the ASCSU.

In Part III we consider current and potential future Senate structures, not in constitutional and specific terms, but generally. Our pursuit in Part III is a response to consequential change, in light of function and role.

We conclude in Part IV with our answer to Drucker's question, recast for the ASCSU. To pull no punches: we think that if we did not have an Academic Senate of The California State University, we would, indeed, seek to invent one now.

Part I

Historical Perspective on the Academic Senate

The California State University (the CSU) is a system of many campuses. Significant campus autonomy is featured alongside a centralized administration, with ultimate authority vested in a Board of Trustees. In turn, Trustees are obliged and constrained by state law.

Campus educational policy must draw vitality from rich faculty involvement in its making and in its practice — or risk being deemed irrelevant, and justly ignored. Campus senates have been a response to that reality, with senates the chief mechanism for giving voice to the uniquely expert views of faculty on educational and professional issues.

Things are not fundamentally different in system context. To the extent that an engaged central administration and an active Board of Trustees seek to promulgate educational policy that meaningfully informs practice in classrooms, laboratories and studios, a rich faculty involvement is required for its

making. For three decades the Academic Senate of The California State University (the ASCSU) has been a response to that reality, the primary mechanism for bringing faculty voice to meaningful educational policy.

The ASCSU has sought to embody and stand for academic values, as distinct from the also-legitimate but different concerns that focus on the terms and conditions of work and the workplace. Such academic values have been especially sought in determining what the faculty shall be—in the standards for hiring, retaining, tenuring, and promoting faculty. Such academic values have been not less featured in determining what the faculty shall teach—in making curricula. And such academic values have been sought as guides for issues that frankly touch on the faculty as workers, such as class sizes, faculty-student ratios, and the extent to which fiscal realities will or will not drive means and modes of instruction.

If function is what we do, then role is how we do it, including the responsibilities to which we attend as a Senate. This list of tasks is derived from previous reflective work on the nature of the ASCSU, and specifically from *Responsibilities of Academic Senates within a Collective Bargaining Context*.*

The key role responsibilities of the Academic Senate are as follows:

1. Make recommendations "as the official voice of the faculties of the CSU in matters of systemwide concern."
2. "Endeavor to strengthen" the Senates of the several universities.
3. "Assume such responsibilities and perform such functions as delegated by the Chancellor or the Trustees."
4. Act as "the primary consultative body on the academic implications of systemwide fiscal decisions."
5. Take joint responsibility with the Trustees for setting "criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees" in respect to systemwide governance.
6. "Be consulted on the creation of systemwide and intersegmental committees, conferences, or task forces designed to deal with educational, professional, or academically related fiscal matters.... Be responsible for the selection of faculty representatives to participate in such bodies."
7. Recommend policy on systemwide decisions regarding "minimum admission requirements for students."
8. Recommend policy on systemwide decisions regarding "minimum conditions for the award of certificates and degrees to students."
9. Recommend policy on systemwide decisions regarding "curricula and research programs."
10. Recommend systemwide policy on "minimum criteria and standards to be used for programs designed to enhance and maintain professional competence, including the awarding of academic leaves."
11. Recommend policy on "systemwide aspects of academic planning."
12. Be consulted on "systemwide aspects of program review."
13. Be consulted on "systemwide aspects of the basic direction of academic support programs."
14. Be consulted on "systemwide policies governing the appointment and review of presidents and academic administrators."
15. "Endeavor to ensure that educational and professional matters do not become subjects of bargaining."

But admirable, vital and current as these role responsibilities still may be, they now arise in fresh context that will surely condition their discharge. We turn to some review of at-hand and reasonably-foreseeable conditions that we think are consequential for the fulfillment of ASCSU function and role.

Part II

Changes that Affect the CSU and the Senate

1. Demographic Changes

The nature of the student body has changed significantly in the last ten years. The CSU student population is now composed of a diverse group of men and women who view a college degree as essential to social and economic advancement. Partly because students are ever more frequently from families that have no history of college attendance, their success requires abundant nurturing, welcoming, mentoring, and advising. Such students do best in small classes taught by skilled and motivated faculty. Partly because they are as a group older than the traditional 18–22 year-old

* This document was published in its entirety in the May 1983 issue of *The Academic Senator* (Vol. 12, No. 3, pp. 2-3). Quotation marks are used to indicate when we have quoted directly from the document; we have reworded some of the 15 points slightly to update and to make the construction parallel.

college-going population, our students frequently seek nontraditional class schedules that permit their full-time employment. Such students are commonly in a hurry to graduate, but paradoxically take five or more years to achieve a bachelor's degree.

The CSU struggles with these demands, and with demands from public policy makers that are meant to give voice to the interests of non-student citizens. Thus even when budgets are severely constrained the CSU is pushed hard to serve more students per dollar, to achieve gains in persistence to the degree, to facilitate brisk progress toward the baccalaureate, and certainly to insure outreach and welcome to traditionally underrepresented populations. Raised up in the name of the people of California, all are worthy goals. All are nearly impossible to simply mandate, though at least some public policy makers are not shy about trying with statutes, budget language, and just "jaw-boning."

We note finally that demographic change is sure to continue, and not least in the number of students who are expected to seek admission to higher education in the years immediately ahead. The "baby boom echo" is on its way by every account, and this system of campuses that together comprise the people's university must prepare.

2. Mood of Harsh Public Policy

Harsh moods are abroad in the state. California voters have recently endorsed severe treatment for persons convicted of crimes and for persons who immigrate unlawfully, alongside ungenerous treatment for persons who may seek welfare, or a subsidized higher education. Alongside thoughtful inquiries on the topics stand mindless barrages aimed at programs designed to recruit underrepresented minorities to the academy—affirmative action—and at programs designed to support underprepared but regularly admitted university students—remediation. This harshness in mood and in public policy surely affects a public agency such as The California State University—but in our judgment the university must seek thoughtful response rather than uncritical embrace of the current mood.

The California State University is and must remain a place of reflection, learning, empowerment. The implication must be, while recognizing harsh moods where they exist, where possible a coherent and leading voice of the faculty ought to seek to temper those moods, and assist in efforts to reach constructive outcomes.

3. Pressure to Lead the Reform of Elementary and Secondary Education, and to Participate in Constructing Solutions for Other Pressing Social Problems

Given the leading role of the CSU in teacher preparation, many within the institution will seek to respond constructively to calls for K-12 reform. This cannot help but be consequential for the operations of senate function and role. Yet the CSU is certain to feel some of the pressure to "fix" K-12 education as ordinary Californians express their (warranted or unwarranted) dissatisfaction with public schools.

Social issues ranging well beyond K-12 education are also certain to affect CSU mission, and perforce ASCSU function and role. The list is long, and familiar: crime; injustice; poverty; environmental degradation. While CSU faculty may not be expected to "fix" these problems in as immediate a way as some Californians will expect for the schools, surely the ASCSU must remain sensitive and alert to changing social issues and expectations for our own performance. Concerns for equality of opportunity and social mobility are sure bets for ASCSU agendas. The challenge will certainly include balancing the legitimate interests of the citizens for the highest quality education, temperate university environment, and sensitive treatment of all persons.

4. Decline of Public Support

The strange method of making policy by initiative together with other mandates for public spending adopted by the legislature has produced a budget reality in which only about 15% of state funds are discretionary. The components of state activity which must be supported by that slim percentage are implicitly rivals, as apparent needs for prisons and roads must be weighed against higher education and the state parks. User fees for roads and parks, and surely for higher education, backfill meager budgets, but leave users unhappy. The recipe for public dissatisfaction is enhanced further where even in the face of higher prices the Master Plan's promise of access is unmet. At least some among ordinary Californians—perhaps many—think of higher education as the culprit. The senate finds itself part of an institution that appears to be trusted less, and loved much less, than may have been true thirty years ago.

5. Public Policy Now Initiated in Sacramento

Things change. In the making of California public policy, the locus of activity has changed. Surely the governor, the legislature, and major state agencies were important three decades ago, when The California State Colleges constituted a new system. But especially the post-Proposition 13 movement of fiscal authority to Sacramento has resulted in a real focus on the state capital as the place where education policy is importantly determined. Decisions that once were principally local, especially for primary and secondary education, are increasingly made in the context of building the state budget.

The consequences for The California State University in 1995 and beyond are enormous. Relationships with Sacramento policy-makers, always a priority for a state agency like ours, are complicated by the higher profile of other competing interests, by policy leaders in the state capital now grown accustomed to calling the tune as indeed they pay the piper, and by legislators who inhabit a term-limited and remarkably unpopular institution. This becomes a pressure toward centralization. If faculty would be influential in policy made in Sacramento, retreat to local campuses cannot be an appropriate strategy.

6. Impoverished State Finance

The State of California is not broke. But state public finance has been rocked by changed conditions, beginning with the massive property tax cut that was Proposition 13 in 1978, and which has led to many new draws on the state general fund budget in the years since then. Add to Prop 13 the constraints of other propositions, among them Prop 98 which guaranteed a percentage of the general fund to education from kindergarten through the community colleges. Move beyond propositions to the fundamental restructuring of the state's economy that has taken place in the early 1990s, add in military base closures and military procurement cutbacks, and top it all with a business cycle downturn. Small wonder that the state's budget had not been in balance for three years as of Fiscal Year 1995.

The still-greater problem is that there are few scenarios in which The California State University will be generously funded in the future. As the new legislative year began in January 1995, the state had accumulated deficits to deal with, had a serious proposal to cut taxes on the table, and had new and large demands for the housing and care of prisoners looming in years ahead, a consequence of policy choices such as "Three Strikes" whereby the state has chosen to imprison ever-larger numbers and percentages of criminal wrongdoers. The squeezes on the general fund budget from quarters other than higher education were many, and strong.

An environment such as that cannot help but be consequential for The California State University. Some forecast "nightmare" budgets for the CSU if fundamental policy patterns went unchanged.

7. State Governmental Constitutional Strait Jacket

A complex system of Constitutional provisions and statute-driven mandates severely constrains California's fiscal policy choices. In common with only one other state, California requires the assent of 2/3 of each house of the legislature to adopt a state budget, to approve any appropriation, and to approve any tax increase. One-third plus one state Senator—fourteen members—can prevent fiscal action. Beyond that, the amount of money spent by government at all levels is capped by formulas in the state constitution. Beyond that still, formulas both constitutional and statutory give prior call upon state resources to programs and agencies other than the CSU. Severe policy choices in criminal penalties—the so-called "Three Strikes" laws—put felons ahead of college students in the queue of those seeking state budget support.

Of this we feel sure. Meeting the objectives of the State Master Plan For Higher Education will continue to be a very hard job without transforming constitutional change.

8. Need for Citizenship Education

Structural problems now inherent in California government have commonly been adopted by the initiative process, where dollars and the media they buy prey upon well-meaning but only partially-informed voters. Meanwhile proposed new statutes are debated in a deliberative process featuring inexperience, as term-limited legislators seek to cope. Few expect short-run amelioration of these conditions, and The California State University seems disadvantaged.

Perhaps the only hope for some long-range corrections to these difficulties is comprehensive citizen education. A society in which citizens understood the issues and the intricacies of government, in which more residents participated in voting and other manifestations of citizenship, and in which more were capable of participating effectively in a public forum, might be able to provide correctives.

This obligation is partly within the province of the California State University. It has always been a goal of the university to provide education in citizenship. There is some danger, however, of losing sight of the goal, emphasizing instead career preparation, especially during hard times. At this point in California's history, citizen education qualifies in our view as urgent.

9. Pricing, Other Rationing Schemes

If not all can enter The California State University, then who should be given access? The CSU has always rationed access, but with evident justification in previous eras has limited the rationing criteria to apparent academic qualifications. But now, in times of severe fiscal constraint, the whole issue is reopened and in plain view as senior policy makers encourage a move toward an environment in which students themselves pay much more of the total cost of their instruction. Painful cries are audible. Students from economically less-advantaged family circumstances are

especially worried. Many observers find alarm in the observation that tuition (or high fees) tend especially to deter students from historically underrepresented racial and/or nationality groups. This all arises at a time when California is shortly to become a state in which no racial or ethnic heritage comprises 50% or more of the total population.

In times of fiscal constraint, the California State University must depend on the faculty to ensure academic quality and must look to the faculty for guidance in relation to accountability, admissions policies, and the direction the downsized system should take in order to serve the largest number of students possible at a high level of quality. The CSU must not give in to those (among them, some public policy makers) whose vision of a University system includes a majority of faculty who are inexpensive because they lack the earned doctorate or equivalent, and where the only criterion of quality is the number of years it takes for students to earn the baccalaureate degree.

10. Competition from Proprietary Institutions

Students enroll at The California State University for many reasons, and faculty are commonly proud of the high quality teaching that transpires at CSU campuses. That high quality combined with traditionally low student fees and easy geographic access has in fact made The California State University a remarkable bargain.

As the size or extent of our bargain fades under annual fee increases, however, and as access is limited and unable to meet the state's needs, thoughtful potential students will surely consider other options, and among these are proprietary institutions. We note that most private/independent institutions are not for-profit, but we also note that a remarkable and seemingly increasing number are. If part of the package at some of these institutions is lowered academic standards, at least some in the community will wonder aloud whether CSU standards ought to be revisited, and lowered. Although we trust in the strength of commitment among the faculty to maintain appropriately high academic standards, we note nonetheless this condition in which the ASCSU will operate in the years ahead.

Teacher preparation programs appear especially vulnerable to such threats. We worry that California's current trend seems to be toward commercial enterprises offering programs to prepare teachers even as some in the state's political leadership call for radical deregulation of teacher licensure.

11. Technology and the Academy

A variety of new and emerging technologies are affecting the CSU. These include distance learning capabilities, multimedia lecture presentation potential, computer laboratory instruction, and the information highway. These seem certain to demolish many boundaries that now mark individual campuses, while also changing the culture of the individual academy.

The implications for administration and faculty at both campus and system levels are substantial: individual campus, department competitiveness based on the traditions of the academy will be tested; informed policy practices will require senate debate and discussion; and pedagogy of expertness will challenge the pedagogy of facilitation, to the rapidly increasing quantities of information.

12. Decentralization Within the CSU

Consequential for the whole university is the thrust toward decentralization. Practically, we understand that decentralization has been named a priority by Chancellor Munitz, endorsed by the Trustees, and embraced by campus Presidents. Philosophically, we understand that decentralization has the great potential to honor decision-makers closest to "the action" as not only capable and fair, but possessed of excellent firsthand information about conditions at hand. Politically, we understand that decentralization has been made all but mandatory by budget pressures, and has resulted in a reduced complement of systemwide administrators.

Decentralization is an apparent basis on which to argue for abandoning or radically transforming the ASCSU. Yet as discussed below, we discern continuing, even freshly-building, pressures for centralization. Moreover, even in a decentralized environment, we see new potential for statewide faculty leadership.

13. Evolving Relationship, CSU and Local Senates

Ebbs and flows of decision-making authority over education policy inevitably affect relationships between structures designed to give voice to faculty. Regarding some issues, at some time periods, an outside observer might think that local processes and structures are ascendant; at other times and with respect to other issues, centralized processes and structures seem especially influential. Elsewhere in this report we talk about pressures to centralize, and efforts to decentralize. Here we may be content with noting that relationships between a statewide senate and local campus senates will surely be affected by these trends.

We see no signs, however, that campuses are likely to end the now-universal practice of sending to the statewide senate some of their most seasoned representatives from local collegial governance processes. We think that the talent represented in the statewide body can and should be made helpful to local campus processes.

14. Applied Research Set by System

We note, and many of us welcome, fresh positioning of The California State University as able and willing to undertake applied research. We further note that as fewer general fund budget dollars are available to our institutions, the attractiveness of entrepreneurial activities that may attract private dollars grows. At both campus and system levels, this has inevitably led to the fashioning of research agendas that are collective, unlike the traditional scholarship of individual faculty. We note, and some of us welcome, such things as using faculty as consultants representing the university, campus centers that provide services for a fee, campus laboratories providing services similarly for a fee, and efforts to commercialize faculty intellectual property.

Collective agendas for the future require collaborative ventures of applied research for the academy. Called for is a collective faculty voice providing ethical standards, offering guidance as to how these activities link to academic missions. A value base for the system administration, and veteran statewide perspective for campus senates, seem urgent for negotiating this new and promising role.

15. Unionization of Faculty Now a Normal Condition

CSU faculty have explicitly chosen to bargain collectively over wages and working conditions, selecting their agent for the first time in 1983. Since then, the California Faculty Association and the Academic Senate CSU have worked hard and with remarkable success to delineate their respective roles. For all of this, inevitably the senate's role and that of the union overlap as issues dealing with wages and working conditions impact, to varying extents, issues dealing with academic and professional matters.

The meaning of this for the ASCSU is straightforward. Though now built on strong foundations of prior work, matters of jurisdiction and domain as between the union and the senate will not go away in years ahead. We share a sentiment that cordial and productive relations ought to continue, but we share also a belief that such relations must be intentionally wrought.

Part III

The Academic Senate in a Time of Change

A. Senate May Need a Structure for Monitoring Revenues, Expenditures

The CSU faces the most difficult period of fiscal constraint since its founding in 1961. The administration and Board of Trustees are required to propose expenditure and revenue plans to the state on behalf of the CSU. The state has been unable for many years to meet its commitment to support the CSU according to budget formulas. More recently, the abandonment of formula-based budgeting has led to continued erosion of the budgetary support base of the CSU and its ability to meet its obligation to accept any graduating high school student who is in the top one-third of the class. The administration and Board of Trustees have considered the appropriate mix of public, private and tuition-based funding for the CSU. While some general agreement about these issues seems to exist among the Board members, it is difficult to know how stable this agreement is or whether the public and state government are willing to accept the current position that the cost of education should increasingly be borne by the state, private donors, and families of students. It seems very likely, then, that aggregate budget policy (both on the revenue and expenditure sides) will continue to be an important issue within the CSU. There has also been a review of policies for the disbursement of funds among campuses. The principles governing these decisions have been the subject of discussion and debate. As new campuses come into being and older ones change, it seems probable that policies governing the internal distribution of moneys within the CSU will be a continuing topic of concern. It is axiomatic that the rules controlling the receipt and distribution of scarce resources are powerful incentives and significantly affect the behavior of decision makers. In the past, decisions concerning the mode and level of instruction were partly the product of resource maximizing behavior.

The Academic Senate CSU has a responsibility to provide faculty oversight to policies which affect the CSU's educational mission. Budgetary policy certainly affects the CSU's ability to fulfill its educational mission. There seems no adequate vehicle for such oversight. In the past, ad hoc consultation about budget formula revision was provided on occasion by the Executive Committee during the summer when "program change proposals" were developed by the administration. There has been little advance discussion with faculty concerning the current policy on tuition or the target breakdown of revenue sources proposed by the Board. Nor has there been consultation with faculty concerning systemwide program initiatives or their budgetary impact. There are likely to be a wide range of emerging and evolving questions the answers to which will be largely determined by budget policy.

The Academic Senate CSU did not need an organ for budgetary policy during the period when the CSU's budget was primarily controlled by formulas which changed little and infrequently. That time is past. With the current flux in these processes and the profound implications which they portend our University, the faculty need to provide timely and carefully considered advice. Accordingly, the Academic Senate CSU should establish a permanent vehicle for these purposes. This vehicle should be organized to complement and coordinate with the administration and Board of Trustee policy-making processes. It should be composed of faculty representatives who have a wide range of experience and are able to intellectually integrate budget policy with the entire mission of the CSU. These representatives must have the ability to anticipate the future effects of budget policy and should not be particularly concerned with the auditing aspects of budget processes. This group will need to be prepared to meet at what for faculty seem unusual times of the year since budget policy development often occurs during the summer. It should work closely with the Executive Committee to assure proper liaison with the Academic Senate in policy review and development. A standing committee on budget policy could be one way to achieve these objectives. Since budget policy often becomes a political issue, some connection with the Governmental Affairs Committee may also be desirable.

It is expected that during the next several years budget policy will continue to absorb considerable time and effort by the administration and Board of Trustees. Finding an equilibrium level of support from the state, agreeing on accountability standards and processes, revising and implementing our tuition policy and getting the state to agree to it, determining just what minimum level of fiscal support is necessary to achieve our mission, and balancing competing systemwide objectives with inadequate resources are some of the issues which the faculty need to engage. The Academic Senate CSU has a responsibility to provide leadership in the arena.

B. Senate May Need a Vehicle to Support and Assist Local Senates

The Academic Senate CSU is composed of veterans of local campus consultative governance processes, and both for that reason and because of the broader scope of the statewide body's concerns, may be a resource for local senates.

We have especially in mind the earlier stages of policy-making processes, where agendas for policy-making are set, and where policies are initially formulated. Veterans of local campus processes whose present jobs (as statewide senators) encourage them to broadly sweep the policy horizons, and whose present jobs place them in some information streams that can help to identify emerging issues, may also find themselves armed with policy responses initially formulated in the statewide setting. What could be more natural than to "bring home" to local campuses both the sightings of fresh issues and the still-plastic formulations designed to respond?

To further empower local senates, we think that the Academic Senate CSU ought to consider a specific vehicle to support and assist local Senates in issue-identification and possible responses. A simple idea would be to include at least one statewide senator per campus in the meetings now held twice yearly with local Senate chairs. We also note with approval the current Chair's efforts to send e-mail and other messages to local Senate chairs, which often very nicely identify issues and begin the formulation of responses. We note the obvious, but not-yet fully realized, potential that e-mail and other forms of communication via computer network offer for bringing local input to statewide discourse, as campus Senates communicate with the statewide senate as to the feelings, ideas, and questions of local faculty.

C. Senate Must Maintain Vigilance for Its Separate Role Vis-à-vis the Faculty Union

The Academic Senate CSU is charged under the Higher Education Employer-Employee Relations Act (HEERA) with distinct responsibilities in a collective bargaining atmosphere. There can be no doubt that the importance and necessity of the ASCSU, confirmed in law, is essential to the continuation of the CSU system and the integrity of its academic programs.

As economic pressures on the system mount, it may be tempting to seek to reduce faculty prerogatives in the areas of retention, tenure, and promotion, and in matters of the curriculum and instructional policy, in the name of some variety of efficiency. The Senate, and not the union, must lead the fight for the faculty's professional prerogatives.

Again as economic pressures mount, an unfortunate de-professionalization of the faculty is implicitly encouraged: it can be cheaper to replace retiring veterans with part-time faculty than with new tenure-track hires. In turn, HEERA charges the faculty bargaining agent (the California Faculty Association) with protecting the wage and working condition interests of the part-time professors. We note that the interests of part-time people (some of whom teach at more than one campus) especially in some form of job protection or seniority can easily put that voice of the faculty which sets and maintains professional standards in conflict with that voice of the faculty which may stand for certain rights to employment for long-time part-time classroom instructors

Ultimately our point is not necessarily to create new Academic Senate structure, but rather to encourage continued attentiveness. The Academic Senate must maintain productive liaison with the California Faculty Association while maintaining suitable vigilance for its role. As wages and working conditions should not be made matters for Senate action, so also professional standards and educational policy must remain exclusively within the Senate's purview.

D. Continue, Strengthen Sacramento Presence

As noted, the locus of California public policy-making has shifted away from localities and toward the state capital in the years at least since the adoption of Proposition 13 in 1978. At the same time the interests of The California State University appear jeopardized as state government wrestles with its strait jacket-like constraints on spending. On one hand, no state constitutional provision grants The California State University either budget preference (similar to K-14 education), while on the other hand the CSU is granted no budget independence similar to that enjoyed by the University of California. A prisoner, therefore, of what happens to be left unclaimed in the state general fund, The CSU must compete with welfare recipients and prison guards for its annual allocation.

No less than any other CSU entity or constituency, the Academic Senate of The California State University (the ASCSU) must therefore make a priority of building and tending relationships in Sacramento. The Senate ought to continue, and ought to strengthen, its presence in Sacramento and its activities in the broad realm of governmental affairs. Senators have gifts to bring to policy-makers within agencies as well as to legislators and their staffs. Broadly, these gifts are mature contributions to wise public policy, and urgently, the championing of the values of the academy. Faculty can speak with unique authority of the conditions and the needs of learning. Academic Senators can stand for the maintenance of high quality when, under budget and other pressures to "enhance productivity" quality may be threatened. We note that in this vigorous relationship-building with state policy-makers, the ASCSU can also reach out to local senates. As appropriate, the governmental relations leadership in the ASCSU can bring news, and encourage faculty to insure that local legislators know well the story of "their" CSU campus.

E. ASCSU Should Be an Advocate for the Values of the Academy

Advocacy for the values of the academy amounts to advocacy for the institution, in crucial ways. Such advocacy takes place in ways and means that extend beyond the state capital, and some of it may appropriately fall to the ASCSU to undertake.

A first element of such advocacy is monitoring the external environment, and noting well which external entities have ascended in importance for education policy. Thus when a Higher Education Policy Institute—to name one such new entity—emerges, the Senate ought to thoughtfully consider how best to forge good relationships. From time to time the job may fall most suitably to the Senate Chair, or to the Executive Committee. At other times it may be best seem right to assign the task to another committee or work group.

A second element of such advocacy is plainly the establishment of suitable relationships with governmental, nongovernmental, and quasi-governmental entities, engaging them and assuring the presence of the academy's perspective in deliberations. We note that we do not think the ASCSU should take a leading role in building relationships with opinion leaders in communities served by CSU campuses. Members of the Senate, after all, lead their professional lives on local campuses, and define their CSU citizenship and role in local campus terms. Even more sharply, alumni and friends in the communities in our judgment identify less with a statewide multi-campus entity than they identify with the institution that immediately serves them. While the ASCSU ought to be sympathetic and encouraging to local efforts to encourage public appreciation of the professoriate and its values, we think the Senate should leave the leadership in that to others.

A third element is the articulation of the senate's—the faculty's—voice on issues which connect our professional lives to broader public policy debates. The ASCSU ought to lead the faculty by leading local senates in taking positions on the proper relationship of the academy to undocumented immigrants, to historically underrepresented racial and ethnic communities, and most broadly to the place of the academy within a society that seeks reasonable fairness and opportunity for its people. The expectation for Senate leadership ought to be roughly proportional to the nexus of such issues to our professional purposes. When issues such as fairness in university admissions or the proper treatment of underprepared students are debated, the Senate's voice should be loud and clear.

F. Information Highway: A Remarkable Stimulus to an Evolving Faculty Role

In the view from 1995, technology appeared to bring with it remarkable possibilities for centralizing and reducing the number of instruction-providers, while at the same time opening up to the individual learner sources and voices bearing information in rich detail and at an astonishingly low cost.

Thus on one hand technology is removing the barriers of physical separateness. An implication is that packaged coursework can be distributed quickly and cheaply: as a CSPU Pomona program in hotel management can be distributed in Mexico and Taiwan as well as in the United States, so also

may a course in 17th century metaphysics be delivered systemwide in the University of California, via videoconferencing. The question, made more urgent by budget constraints, will be how many instruction-providers are needed, when good materials are available on tape or via internet.

On the other hand particular classes can be wonderfully enriched where faculty savvy in how to access storehouses of information reach out to find an illustration, make a point, or set out pathways for student exploration and individualized learning. The question made obvious by this has to do with securing a savvy faculty, and securing appropriate access to the world of digital information for both faculty and students. Both seem costly.

Yet blizzards of information do not amount to an education. We think there is a role for the ASCSU in making certain that seemingly obvious point is not lost on policy-makers. Equally, there is a role for the faculty and for the Senate in monitoring what is near-certain to be a genuinely remarkable period of evolution in what it means to be a member of a university faculty. Undoubtedly the ASCSU will be both a voice for past traditions of academic progressives and for visionaries boldly pushing on this new frontier. Our view of that is wholly positive.

G. ASCSU Should Monitor RFP Processes for Faculty Scholarly and Public Service Activity

We believe that the scholarly and professional work of the faculty is increasingly frequently made the object of concern by system and campus administrators and others through Request for Proposals (RFP) processes. We acknowledge that these RFP processes commonly take up topics of considerable public interest and importance, and that many faculty find the RFP processes helpful as they look for ways to build records of scholarship and public service for promotion and other purposes.

We are concerned, however, about appropriate balance and about the traditional freedom of scholars to set their own agendas. We note that relatively unconstrained support for scholarly and public service activity may best nurture classroom instruction, for the topics of the work would be defined by the service (instruction)-delivering professional. We note that where it is thought suitable nevertheless to generate scholarly work on a specific topic of keen current interest, the whole RFP enterprise should be made a matter for consultation with the faculty. Note that this is more than merely requiring that a committee be set up to determine which among competing proposals may be the most promising.

We think there is a role for the ASCSU in all of this. On some occasions the Senate may propose policy; on other occasions the ASCSU may engage local senates on the issue; in nearly all circumstances, suitable monitoring of the RFP processes mounted by administrators is a job for the Senate.

H. Engaging Outside Agencies That May Want to Set CSU Policy

As war is too important to be left to the generals, so education policy may be better where its making is ventilated rather than closed. Surely there lies the essential justification for a lay Board of Trustees.

Yet the Senate stands for the occasionally competing proposition, also valid, that the views and judgments of those professionals whose services define the institution deserve great weight. Faculty know best both the process and the products of higher education. It falls therefore to the Senate to deal with episodic intrusion from outside the CSU, however well-meaning that policymaking generalists on one hand, and specialized interests on the other, may be. At times the Senate may have to stand ready to engage and persuade outside agencies and groups. At other times the Senate may have to resist them, either alone, or where possible and convenient, in coalition with friends and partners.

Especially in an era of unprecedented demand for higher education coupled with resource constraints, the entreaties of outside groups seem likely to grow more numerous, and louder. In that difficult environment the Senate must be able to voice effectively the professional concerns of the faculty.

I. Support for Faculty Entrepreneurship

Knowing, monitoring, maintaining, and where appropriate, modifying, the boundary between allowable commercially- or entrepreneurially-oriented professional activity on one hand, and the misuse either of faculty intellectual property or of faculty time that properly belongs to pedagogy on the other hand, is never simple. That is why such boundary-maintenance is properly the first-order business of professionals. And senates give voice to faculty professional concerns.

We note the close connection between many entrepreneurial activities undertaken by faculty and the necessary professional renewal required for effective classroom performance. As applied research overlaps consulting and other money-making activities, especially in budget-pressured context, the ASCSU in proper coordination with campus senates must take a leading role in defining what is to be permitted, what is to be forbidden, what is to be encouraged, and what is to "count" and in what ways in faculty professional performance evaluations for retention, tenure and promotion.

Revenue-generating enterprises housed with the university require faculty engagement and oversight to insure that academic values and standards are upheld. The systemwide senate is the faculty voice where such enterprises are housed centrally.

J. Retention, Tenure and Promotion Standards

The senate must be vigilant about standards for retention, tenure and promotion. As local senates must insure suitable harmony between local mission and local RPT standards, so the statewide senate must seek suitable harmony between system mission and trustee policy. In this, we speak for the academy.

As we have noted, new technology, pressure to attack urgent social problems in education and in other realms, and other fresh items of context bring this back to a statewide as well as to a local agenda. In a word: retention, tenure and promotion standards must be reviewed to accommodate change.

Part IV Summary and Conclusion

The materials and recommendations above point to an obvious conclusion that we can usefully make explicit. We asked earlier whether we would invent a systemwide senate now, if we did not already have one. Our answer is an easy "yes." As long as there is a systemwide CSU, there is a need to articulate a systemwide faculty voice that takes up academic and professional themes and topics. While there may be little surprise in such a conclusion emerging from a Senate Task Force, we think that our analysis would lead most fair-minded observers to the same conclusion.

But two further points may be fairly thought to emerge. In the first place, we believe that the ASCSU ought to be an advocate for its own function, for itself, in effect. The Senate may be best-positioned for pointing to the strengths of collegial governance as a way of thinking, a way of doing business. We note that in an era when gathering the insights of workers, and implicitly their consent, is regarded as a remarkable discernment of modern management, universities have used the model successfully for six or seven centuries. We note further the obvious urgency of gathering the consent of any institution's defining professionals. Who would argue that the administration of judiciaries should not richly take judges' views into account, or the administration of hospitals, the doctors'?

Nor is there any escape from the point by saying that the argument is limited to campus academic senates: for as long as a Chancellor and staff interact with a Board of Trustees in ways meant to be consequential for the learning activities of students and their faculty, they will need a coherent faculty organ for consultative purposes. To argue otherwise is to argue the educational irrelevance of systemwide administrative and Board leadership, and that simply is not how we view them.

A second point is derivable, then, from this argument about the need for a statewide senate. It is that in times of budget stress, especially then, a senate is especially needed. In just those eras, when well-meaning cost-cutters would welcome targets for spending cuts, the values for which senates stand must be heard, and the experience which senators bring must be made to speak to policy proposals. Shall we cut program X, or activity Y? Senates can define the views of the professionals at the point of service delivery concerning that. Senates can help to define what such cuts might do to crucial values such as the maintenance of high quality learning.

We are not comfortable in saying that a systemwide senate should be held exempt from budget reductions, especially where it may be shown that essential functions are achievable at lower cost. We are entirely comfortable, however, in saying that the senate probably has a size below which it should not shrink, implying a budget floor for the ASCSU.

There ought to be a systemwide senate. It ought to be supported. There is work to be done.

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University Manual

California State University, Sacramento

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Academic governance is a complex web of decision-making and responsibility that translates academic goals and values into university policy or action. Authority in the modern public university derives from two quite different sources: (a) from the power vested by law and administrative code in governing boards and administrators and (b) from the knowledge of the subject matter and from the pedagogic expertise of the faculty.

Collegiality consists of a shared decision-making process and a set of values which regard the members of the various university constituencies as essential for the success of the academic enterprise. It incorporates mutual respect for similarities and for differences--in background, expertise, judgments and assigned responsibilities; and involves mutual trust based on experience.

Collegial governance allows the academic community to work together to find the best answers to issues facing the university. Collegial governance assigns primary responsibility to the faculty for the educational functions of the institution in accordance with basic policy as determined by the Board of Trustees. This includes admission and degree requirements, the curriculum and methods of teaching, academic and professional standards, and the conduct of creative and scholarly activities. Collegiality rests on a network of interlinked procedures jointly devised, whose aim is to assure the opportunity for timely advice pertinent to decisions about curricular and academic personnel matters.

The governing board, through its administrative officers, makes sure that there is continual consultation with appropriate faculty representatives on these matters. Faculty recommendations are normally accepted, except in rare instances and for compelling reasons. The collegial process also recognizes the value of participation by the faculty in budgetary matters, particularly those directly affecting the areas for which the faculty has primary responsibility.

Central to collegiality and shared decision-making is respect for differing opinions and points of view, which welcomes diversity and actively sponsors its opinions. The collegium must be the last public bastion of respect for individuals, whether they are members of the faculty, students, staff, alumni, administration or Board of Trustees.

The Board of Trustees wishes to maintain the statewide Academic Senate and campus senates/councils separate and apart from collective bargaining. It is the intention of the Board to maintain its efforts to promote collegiality and to support the continuing efforts of the Academic Senate to preserve collegiality in the California State University.

NB This statement is intended to apply to campus academic personnel matters in general and not to apply to individual personnel decisions. Specific cases involving appointment, promotion and tenure decisions must be decided on their own merits and are not subject to normative statements such as that contained in paragraph four. The statement should in no way be used in the grievance process as a limitation on the good judgement of a president in any specific case.



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Higher Education Employer-Employee Relations Act (HEERA): A Memorandum to Senate Members and Others

Because there has been so much discussion recently about the Academic Senate CSU's responsibilities as they relate to the Higher Education Employer-Employee Relations Act (HEERA), we thought it would be worthwhile to provide to the Senate some background and explanatory material regarding HEERA.

What Is HEERA?

HEERA was signed into law in the fall of 1978. It exempted the CSU, the UC, and the Hastings College of Law from the state labor laws then existing to govern relations between the State of California and its employees. At the same time, it enacted provisions to govern employer-employee relations of the CSU through meeting and conferring (i.e., collective bargaining) on matters within the scope of representation. As some provisions differ among the institutions covered, we will discuss the law as it applies to the CSU.

HEERA grants employees many of the normal rights associated with provisions of the federal labor laws, such as the rights to form, join, and participate in unions and to refuse to join or participate in unions. It also prohibits unfair labor practices, often defined similarly to the federal labor laws. The law is administered by the Public Employment Relations Board (PERB) which has to date, among other things, determined appropriate bargaining units, conducted representation elections, and determined charges of unfair labor practices in the CSU.

Purposes of HEERA

In HEERA, the Legislature declared that the people of California (1) "...have a fundamental interest in the development of harmonious and cooperative labor relations between the public institutions of higher education and their employees" [Section 3560(a)] and (2) "...have established a system of higher education under the Constitution of the State of California with the intention of providing an academic community with full freedom of inquiry and insulation from political influence in the administration thereof." [Section 3560(c)]

The stated purpose of HEERA is "...to provide the means by which relations between each higher education employer and its employees may assure that the responsibilities and authorities granted to the separate institutions under the Constitution and by statute are carried out in an atmosphere which permits the fullest participation by employees in the determination of conditions of employment which affect them." [Section 3560(e)] "The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of such institutions, and declares that it is the purpose of this act to both preserve and encourage that process. Nothing contained in this [law] shall be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices, including...the Academic Senates of the California State University and Colleges, and other faculty councils, with respect to policies on academic and professional matters affecting the California State University and Colleges.... The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved." [Section 3561(b)] Finally, the Legislature stated: "It is the policy of the State of California to encourage the pursuit of excellence in teaching, research, and learning through the free exchange of ideas among the faculty, students, and staff of...the California State University and Colleges. All parties subject to this [law] shall respect and endeavor to preserve academic freedom in...the California State University and Colleges." [Section 3561(c)]

Scope of Representation Under HEERA

The scope of representation allowed to an exclusive representative (i.e., union) determines the matters about which it may collectively bargain or otherwise represent employees, e.g., grievances. The *scope* provision for the CSU reads:

- (r) For purposes of the California State University and Colleges only, "scope of representation" means, and is limited to, wages, hours of employment, and other terms and conditions of employment. The scope of representation shall not include:
- (1) Consideration of the merits, necessity, or organization of any service, activity, or program established by statute or regulations adopted by the trustees, except for the terms and conditions of employment of employees who may be affected thereby.
 - (2) The amount of any student fees which are not a term or condition of employment.
 - (3) Admission requirements for students, conditions for the award of certificates and degrees to students, and the content and conduct of courses, curricula, and research programs
 - (4) Criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees, which shall be joint responsibility of the academic senate and the trustees. The exclusive representative shall have the right to consult and be consulted on matters excluded from the scope of representation pursuant to this paragraph. If the trustees withdraw any matter in this paragraph from the responsibility of the academic senate, the matter shall be within the scope of representation.

All matters not within the scope of representation are reserved to the employer and may not be subject to meeting and conferring, provided that nothing herein may be construed to limit the right of the employer to consult with any employees or employee organization on any matter outside the scope of representation. [Section 3562(r)]

Additionally, an often overlooked provision of the law defining unfair labor practices states: "It shall be unlawful for the higher education employer to: ... (f) Consult with any academic, professional, or staff advisory group on any matter within the scope of representation for employees who are represented by an exclusive representative.... For the purposes of this, the term *academic* shall not be deemed to include the academic senates." [Section 3571]

Our View of HEERA

A reading of these provisions of HEERA indicates that the Legislature went to considerable lengths to preserve not only joint decision-making and consultation between faculty and administration for institutional governance but also the principle of peer review for academic employee personnel decisions. Further, the Legislature did not attempt to impede or limit discussion and consultation on any matters by anyone. It did limit "meeting and conferring" (i.e., collective bargaining negotiation) between the employer and the exclusive representative to matters within "scope of representation" (hereafter referred to as *scope*), while prohibiting "meeting and conferring" on matters outside scope.

To more fully understand HEERA, assume that there are three parties one must be concerned with: the Senate (including all academic senates of the system), the CFA (or other elected representative), and the CSU Trustees (often acting through the administration). Here is how HEERA carefully preserves the rights of these three parties to talk to one another.

First, as to matters *within* the scope of representation:

- (a) The CSU, as employer, must meet and confer with CFA as to matters within the scope of representation.
- (b) It may not consult with any other academic, professional, or staff advisory group on any matter within scope, except academic senates.
- (c) While the CSU may consult with academic senates on matters within scope without fear of committing an unfair labor practice, it is not required to do so. Communications from academic senates to the CSU, or to CSU and CFA, expressing opinions or seeking consultation on matters within scope are not prohibited. To the contrary, they are clearly permitted.

Second, as to matters *outside* the scope of representation:

- (a) The CSU, as an institution of higher learning, is encouraged by HEERA in its practices of joint decision-making, consultation, and shared governance with the faculty and academic senates, practices which would encompass most issues outside the scope of bargaining.
- (b) The academic senates and the trustees have joint responsibility specifically for criteria and standards for appointment, promotion, evaluation, and tenure, but, although these matters are excluded from scope, CFA has "...the right to consult and be consulted on matters excluded from the scope of representation pursuant to this paragraph." [Section 3562(r)(4)] It appears that CFA has the right to consult with both the Senate and the CSU on these matters and on "criteria and standards" issues, but it is not required to do so.
- (c) The CSU, as employer, may consult with any employees (including members of academic senates) or employee organization (including CFA) on any matter outside the scope of representation, but the CSU may not meet and confer (in the sense of collective bargaining) with CFA on these matters.

Thus, our view of HEERA suggests a conclusion that common sense might have dictated: the CFA and the CSU have responsibility for matters within scope; the CSU and the Senate, including campus academic senates, have responsibility for matters outside scope; and all parties are permitted to consult with one another on all topics. Because there are areas where the conditions of employment are not easily distinguished or separated from academic or professional matters—where there are gray areas—this approach seems eminently sensible, even though it may be difficult to implement.

Our view of HEERA does not solve all problems. For example, while a close reading of HEERA tells us much, it does not define the meaning of "criteria and standards" or "joint responsibility." Definitions of these terms will have to be agreed upon very soon.

Policy Implications of This View for the Senate

The Senate may communicate or consult on matters within scope provided it clearly enunciates an academic, educational, or professional concern which it believes falls within Senate responsibility.

The Senate should be willing to talk formally with CFA, in addition to the CSU, about criteria and standards for which it has joint responsibility with the Trustees because HEERA gives CFA the right to consult and be consulted on these matters. Within this framework agreements may be reached on which topics are or are not criteria and standards.

The Senate should attempt to educate all parties as to its view of HEERA and what HEERA permits and should also attempt to achieve concurrence so all parties are operating under the same interpretation of HEERA.

(This memorandum was endorsed by the Academic Senate CSU in March 1986.)