

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 8:30 a.m., Wednesday, May 24, 2023
Glenn S. Dumke Auditorium

Jack Clarke, Jr., Chair
Douglas Faigin, Vice Chair
Larry L. Adamson
Jean Picker Firstenberg
Maria Linares
Jack McGrory
Anna Ortiz-Morfit

Consent

1. Approval of Minutes of the Meeting of March 22, 2023, *Action*

Discussion

2. Approval of Recommended Revision of Title 5 California Code of Regulations, Article 2.2, Management Personnel Plan, Section 42723 Employment Status, *Action*
3. Executive Compensation: President – California State University, Chico, *Action*
4. Executive Compensation: President – California State University, Sacramento, *Action*
5. Executive Compensation: Interim Presidents, *Action*
6. Report on CSU Systemwide Title IX and DHR Assessment by Cozen O’Connor, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, California**

March 22, 2023

Members Present

Jack Clarke, Jr., Chair
Douglas Faigin, Vice Chair
Larry L. Adamson
Jean Picker Firstenberg
Maria Linares
Jack McGrory
Anna Ortiz-Morfit

Wenda Fong, Chair of the Board
Jolene Koester, Interim Chancellor

Public Comment

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

Trustee Jack Clarke called the meeting to order.

Approval of the Consent Agenda

A motion to approve the consent agenda without discussion passed. The minutes from the meeting on January 25, 2023 were approved as submitted.

Before proceeding to the discussion agenda, Trustee Clarke noted that due to the Board of Trustees' extending the timeline for the Cal State LA presidential search, item 5 was removed from the committee's agenda.

Report on Mercer's CSU Faculty Compensation Study

The presentation began with Vice Chancellor Leora Freedman speaking to CSU's commitment in late 2021 to undertake a compensation study for all faculty ranks and disciplines, including lecturers, coaches, counselors, and librarians. A work group was identified to develop the scope of work and to provide direction to Mercer; the firm retained to conduct the study. The work group included Trustees Jean Firstenberg, Romey Sabalius, Maria Linares; and Executive Vice Chancellor Sylvia Alva; Jason Conwell from CFA; Steven Filling, CSU Stanislaus faculty; and from systemwide human resources – Beth Ryan, Lety Hernandez, Karin Jenkins, Gene Howard, and Carl Fischer. Serving as project lead was Al Liddicoat, vice president for university personnel at Cal Poly San Luis Obispo. Vice Chancellor Freedman commended the work group for their hard work throughout the project and acknowledged the support received from presidents and university leaders as well. The Mercer team was introduced, and the presentation was turned over to Lyn Harper, senior principal at Mercer.

Note: The trustees were provided a separate handout of Mercer's detailed PowerPoint presentation.

The Mercer team provided an overview of the project and a report on their findings. The market study included approximately 29,000 CSU faculty members. Overall, the project involved reviewing data and policies related to CSU faculty; gathering opinions and viewpoints from various stakeholders; identifying comparison markets; organizing CSU instructional faculty into disciplines to reflect the market; collecting market data to benchmark and analyzing pay gaps.

Virtual listening sessions with faculty members and administrators (over 2,000 people in seven sessions) centered around hearing from participants on base pay, benefits, career and pay advancement, pay practices and administration. Between 70-80% of participants reported that they are dissatisfied with their base pay; only 5% indicated they are paid fairly. Depending on the group, 60-80% are satisfied with CSU benefits overall. Tenure-track faculty participants favored funding for a merit pool and annual service salary increases. A key takeaway was that consideration be given to cost of living when determining pay.

Detailed information was presented on the survey methodology. The study reflects that overall, CSU tenure-track faculty compensation is aligned to the market median; however, this does not mean that every faculty member is paid at the median. CSU salaries are above market for lower paid disciplines; the higher the market data for a particular discipline, the less competitive are CSU salaries. Campuses in high cost markets (San Francisco, East Bay and San Jose) are shown to be the least competitive.

With respect to pay differences, Ms. Harper noted that the study reflects that for CSU Faculty overall, the pay differences for gender and race/ethnicity were a fraction of one percent. Given these results, Mercer did not find any material pay differences among faculty overall to be attributable to protected classifications.

The study also included a review of faculty core (and voluntary) benefits. CSU benefits were perceived as valuable – total benefits were second highest in the market.

The presentation concluded with Mercer's recommendations: 1) align pay based on both discipline and location – this aligns with market practices; 2) allocate a separate budget for merit – 100% of faculty participants wanted a differentiation for merit; 3) have clear and consistent guidelines for the initial placement of pay, for pay advancement and promotional awards – it was important for faculty to have a mechanism to advance in their pay range to recognize their experience and contribution; and 4) recognize that the market will continue to grow – keep up with market movement or wage stagnation already seen will continue. Other areas noted were systemwide data enhancements, dashboards, and regular training on classification, performance, and the administration of pay.

Following the presentation, there was a discussion related to the pay equity results (shown in slide #26) regarding the overall count number when comparing male to female for tenure-track and male to female for lecturers. Mercer estimated that for tenure-track faculty, it was 50/50 male to female; and for lecturers, slightly more female employees. There was further discussion on the pay equity analysis and pay differentials between gender and ethnicity, benchmark methodologies, as well as competing for a diverse faculty (and limits imposed by Proposition 209). Trustees also discussed compression (or wage stagnation), particularly at the full professor rank.

Several important themes were pointed out by Chancellor Koester: 1) the current salary structure for faculty is the result of years of bargaining between the CSU and the California Faculty Association and the result of available resources; 2) the study presents aggregate data that at times is not aligned with an individual faculty member's compensation; 3) next steps – to join with CFA and look at understanding what the data means, from CFA's perspective and from management's perspective.

State Superintendent of Public Instruction Tony Thurmond spoke to the point raised by trustees about pay and the high cost of living in California. He noted that when negotiating with the legislature for funding, the university can look at programs that historically were made to support affordable housing for educators (although these programs are not currently funded).

Chair Fong thanked Mercer for the comprehensive report, as well as the workgroup and Vice Chancellor Freedman for leading the study. She suggested a deep dive and clarification of data as discussed and closed by thanking the Board for their questions and concerns. Trustee Clarke thanked the California Faculty Association for their collaboration during the project.

Approval of Recommended Revision of Title 5, California Code of Regulations, Article 4.1, Holidays

Vice Chancellor of Human Resources, Leora D. Freedman, recommended for action a revision to Section 42920 of Article 4.1 of Title 5 which addresses holidays. The revision updates Title 5 to include June 19 as an officially recognized paid CSU holiday.

Vice Chancellor Freedman explained that June 19, also known as Juneteenth, honors the day that Union General Gordon Granger led troops into Galveston, Texas in 1865 to announce the end of the Civil War and proclaim freedom for slaves in Texas. Assembly Bill 1655, chaptered on September 29, 2022, officially added Juneteenth to the list of state holidays. Section 42920 of Title 5 is being amended so that June 19 may be observed by the CSU as a paid holiday.

Trustee Clarke announced that because this item involved amending Title 5 of the California Code of Regulations, the proceedings were deemed a public hearing under the provisions of the California Education Code. During the 45-day notice period no written comments were received. Additionally, any comments related to this action item received during the public comment period at the beginning of the board meeting would be incorporated as part of the official record. (Note: There was no public comment related to this item.) Trustee Clarke concluded that the public hearing was closed. A motion to approve the recommended action was passed (RUF 03-23-05).

Recommended Revision of Title 5, California Code of Regulations, Article 2.2, Management Personnel Plan, Section 42723 Employment Status

Vice Chancellor of Human Resources, Leora D. Freedman, proposed two non-substantive revisions to Section 42723 of Article 2.2 of Title 5 which addresses Management Personnel Plan (MPP) employees, also known as “at-will” employees.

The first proposed amendment would update language to align with current employment vernacular by stating that MPP employees serve “at the will of” rather than “at the pleasure of” the campus President or the Chancellor. The second proposed amendment would remove unnecessary language concerning layoff in subsection (e), which applies to MPP employees hired on or after January 1, 1984. She explained that those employees serve “at will” and are not eligible for layoff. Instead, they may be terminated with three months’ notice (or equivalent pay in lieu of notice).

Vice Chancellor Freedman noted that as a proposed revision to Title 5, this information will be noticed for public hearing and presented for action at the May 2023 Board of Trustees’ meeting.

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

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Approval of Recommended Revision of Title 5, California Code of Regulations, Article 2.2, Management Personnel Plan, Section 42723 Employment Status

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Summary

It is proposed that Article 2.2 of Title 5, which addresses the Management Personnel Plan, be revised to update Section 42723 in two non-substantive respects.

The first proposed amendment updates language to conform with current employment vernacular by stating that MPP employees serve at the will of the campus President or the Chancellor.

The second proposed amendment removes unnecessary language concerning layoff in subsection (e), which applies to MPP employees hired on or after January 1, 1984. Those employees serve “at will” and are not eligible for layoff. Instead, they may be terminated with three months’ notice (or equivalent pay in lieu of notice.)

Recommended Action

Adoption of Resolution

Proposed Revision

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby amends its regulations in Section 42723, Article 2.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

Title 5, California Code of Regulations
Division 5 – Board of Trustees of the California State Universities
Chapter 1 – California State University
Subchapter 7 – Employees
Article 2.2 – Management Personnel Plan

§ 42723. Employment Status.

(a) A Management Personnel Plan employee serves at the ~~pleasure~~will of the campus President or the Chancellor, as appropriate. A Management Personnel Plan employee shall not serve a probationary period and shall not receive permanent status.

(b) Athletic personnel who are appointed to positions in the Management Personnel Plan may be given appointments for a definite term. Any such appointment must be in writing and contain the initial date of appointment, the date on which the appointment expires, and a statement that the appointment may be terminated by the appointing authority at any time on terms set forth in the appointment document.

(c) A Management Personnel Plan employee who had permanent status in a class prior to January 1, 1984 shall retain permanent status in the class despite inclusion as a Management Personnel Plan employee. A Management Personnel Plan employee who prior to January 1, 1984 was serving a probationary period may be awarded permanent status by the appointing power upon the successful conclusion of the probationary period. Upon acquisition of permanent status such an employee shall retain permanent status in the same manner as an employee who has permanent status prior to January 1, 1984.

(d) A Management Personnel Plan employee who retains permanent status under subdivision (c) and who is placed in or promoted to a position under the Management Personnel Plan shall retain retreat rights as described in this subdivision (d) to the former class in which permanent status is held. Should the appointing power terminate the Management Personnel Plan employee's service in a Management Personnel Plan position, the employee shall have the right to return to the former class in which permanent status is held at the salary last received in the permanent class.

(e) ~~Except in the case of layoff, t~~ With respect to employees who were hired on or after January 1, 1984, the President or Chancellor, as appropriate, shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, notice of termination at least three months prior to the employee's separation date or shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, corresponding salary in lieu of notice.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89500, Education Code.

And be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed amendment will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts.

And be it further

RESOLVED, That the Board of Trustees delegates to the Chancellor of the California State University authority to further adopt, amend, or repeal this revision pursuant to the Administrative Procedure Act if further adoption, amendment, or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: President – California State University, Chico

Presentation By

Jolene Koester
Interim Chancellor

Summary

This action item establishes the compensation for Dr. Stephen J. Perez as president of California State University, Chico.

Executive Compensation

This item recommends that Dr. Stephen J. Perez receive an annual salary of \$454,757 effective July 1, 2023, the date of his appointment as president of California State University, Chico. Additionally, Dr. Perez will receive an annual housing allowance of \$50,000.

In accordance with existing policy of the California State University, Dr. Stephen J. Perez will receive the following benefits:

- An auto allowance of \$1,000 per month;
- Standard benefit provisions afforded CSU Executive classification employees;
- Reimbursement for reasonable actual and necessary travel and relocation expenses in accordance with university policy.

Subject to faculty consultation and approval in accordance with systemwide and university policy, Dr. Stephen J. Perez will hold an appointment with the academic rank of full professor with tenure at Chico State.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Dr. Stephen J. Perez shall receive a salary set at the annual rate of \$454,757 effective July 1, 2023, the date of his appointment as president of California State University, Chico; and be it further

AMENDED

U&FP

Agenda Item 3

May 21-24, 2023

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RESOLVED, that Dr. Stephen J. Perez shall receive an annual housing allowance of \$50,000; and be it further

RESOLVED, that Dr. Stephen J. Perez shall receive additional benefits as cited in Agenda Item 3 of the Committee on University and Faculty Personnel at the May 21-24, 2023 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: President – California State University, Sacramento

Presentation By

Jolene Koester
Interim Chancellor

Summary

This action item establishes the compensation for Dr. J. Luke Wood as president of California State University, Sacramento.

Executive Compensation

This item recommends that Dr. J. Luke Wood receive an annual salary of \$476,225 effective July 16, 2023, the date of his appointment as president of California State University, Sacramento. Additionally, Dr. Wood will receive an annual housing allowance of \$60,000.

In accordance with existing policy of the California State University, Dr. J. Luke Wood will receive the following benefits:

- An auto allowance of \$1,000 per month;
- Standard benefit provisions afforded CSU Executive classification employees;
- Reimbursement for reasonable actual and necessary travel and relocation expenses in accordance with university policy.

Subject to faculty consultation and approval in accordance with systemwide and university policy, Dr. J. Luke Wood will hold an appointment with the academic rank of full professor with tenure at Sacramento State.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Dr. J. Luke Wood shall receive a salary set at the annual rate of \$476,225 effective July 16, 2023 the date of his appointment as president of California State University, Sacramento; and be it further

AMENDED

U&FP

Agenda Item 4

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RESOLVED, that Dr. J. Luke Wood shall receive an annual housing allowance of \$60,000; and be it further

RESOLVED, that Dr. J. Luke Wood shall receive additional benefits as cited in Agenda Item 4 of the Committee on University and Faculty Personnel at the May 21-24, 2023 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: Interim Presidents

Presentation By

Jolene Koester
Interim Chancellor

Summary

This action item establishes the compensation for the following interim presidents:

- Dr. Leroy M. Morishita, interim president of California State University, Los Angeles;
- Vice Admiral Michael J. Dumont, interim president of California State University Maritime Academy;
- Dr. Sylvia A. Alva, interim president of California State University, Fullerton; and
- Dr. Susan E. Borrego, interim president of California State University, Stanislaus.

Executive Compensation

Trustee approval of the proposed compensation for the four (4) newly appointed interim presidents is recommended as presented below.

Dr. Leroy M. Morishita, interim president, Cal State LA

This item recommends that Dr. Leroy M. Morishita receive a salary set at the annual rate of \$496,213 effective July 31, 2023, the date of appointment as interim president of California State University, Los Angeles. Dr. Morishita is a rehired annuitant of the California State University, and pursuant to CalPERS regulations, he is restricted to working 960 hours in a fiscal year. This temporary appointment is expected to last through January 12, 2024. As a CalPERS retiree, Dr. Morishita is not eligible for standard employee benefit programs and additional compensation beyond his presidential salary.

Vice Admiral Michael J. Dumont, interim president, Cal Maritime

This item recommends that Vice Admiral Michael J. Dumont receive an annual salary of \$370,241 effective July 7, 2023, the date of appointment as interim president of California State University Maritime Academy. Vice Admiral Dumont will be required to live in the university's presidential residence located in Vallejo, California, as a condition of employment as interim president.

Dr. Sylvia A. Alva, interim president, Cal State Fullerton

This item recommends that Dr. Sylvia A. Alva receive an annual salary of \$476,223 effective August 1, 2023, the date of appointment as interim president of California State University, Fullerton. Dr. Alva will be required to reside in the university's presidential residence located in Fullerton, California, as a condition of employment as interim president. Subject to systemwide and university policy, Dr. Alva remains eligible to participate in the Transition II Program, and she retains the option to retreat to a tenured faculty position at California State Polytechnic University, Pomona.

Dr. Susan E. Borrego, interim president, Stanislaus State

This item recommends that Dr. Susan E. Borrego receive an annual salary of \$370,319 effective August 2, 2023, the date of appointment as interim president of California State University, Stanislaus. Dr. Borrego will receive a monthly housing allowance of \$4,166.67 (\$50,000 annually) while serving as interim president.

In accordance with existing policy of the California State University, Interim Presidents Michael Dumont, Sylvia Alva, and Susan Borrego will receive the following benefits:

- An auto allowance of \$1,000 per month;
- Standard benefit provisions afforded CSU Executive classification employees;
- Reimbursement for reasonable actual and necessary travel and relocation expenses in accordance with university policy.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that the compensation for Interim Presidents Leroy Morishita, Michael Dumont, Sylvia Alva, and Susan Borrego are approved as cited herein; and be it further

RESOLVED, that Interim Presidents Michael Dumont, Sylvia Alva, and Susan Borrego shall receive additional benefits as cited in Agenda Item 5 of the Committee on University and Faculty Personnel at the May 21-24, 2023 meeting of the Board of Trustees.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Report on CSU Systemwide Title IX and DHR Assessment by Cozen O'Connor

Presentation By

Leora D. Freedman
Vice Chancellor
Human Resources

Institutional Response Group, Cozen O'Connor
Gina Maisto Smith, Chair
Leslie M. Gomez, Vice Chair

Summary

The Board of Trustees will be presented with the findings and recommendations of Cozen O'Connor's Systemwide Title IX and DHR Assessment.

Background

In March 2022, the California State University's Board of Trustees engaged Cozen O'Connor to conduct a systemwide assessment of the university's implementation of its Title IX and Discrimination, Harassment and Retaliation (DHR) programs. The goal of the assessment is to strengthen CSU institutional culture by assessing current practices and providing insights, recommendations, and resources to advance CSU's Title IX, and other antidiscrimination and civil rights training, awareness, prevention, intervention, compliance, and support systems.

Cozen O'Connor will present an overview of findings and proposed recommendations to the Board of Trustees. A written report will be publicly released soon after the board meeting.