

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3348-18/EX (Rev)
November 8-9, 2018

**ADOPTION OF “TENETS OF SYSTEM LEVEL GOVERNANCE IN THE
CALIFORNIA STATE UNIVERSITY”**

RESOLVED: That the Academic Senate of the California State University (ASCSU) adopt the document titled, “Tenets of System Level Shared Governance of the California State University,” and its accompanying “Addendum,” upon formal endorsement of it by the Chancellor; and be it further

RESOLVED: That the ASCSU calls upon the Chancellor to affirm a commitment to both the 1985 *Collegiality in the California State University System* and the 2001 *Shared Governance Reconsidered: Improving Decision-Making in the California State University*; and be it further

RESOLVED: That the ASCSU, consistent with full and effective consultation under the principles of shared governance outlined in HEERA, affirm that the following principles should be used to guide the limited use of the expedited consultation process mentioned in the document:

- the use of the expedited consultation process must allow sufficient time for all parties to discuss and evaluate matters under consideration;
- an expedited process for consultation should not be used for consultation about curricular issues; and
- the Chancellor should not unilaterally decide what form the expedited consultation process should take or when it should be used

; and be it further

RESOLVED: That the ASCSU takes this action of adoption with the understanding that the Tenets document will be regularly reviewed and, if necessary, amended in conjunction with the Chancellor’s Office; and be it further

RESOLVED: That the ASCSU distribute this resolution to CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU Provosts/Vice Presidents of Academic Affairs, California State Students Association (CSSA), California State Emeritus and Retired Faculty and Staff Association (CSU ERFSA), California Faculty Association (CFA), American Association of University Professors (AAUP), and the California Conference of the American Association of University Professors.

RATIONALE: *In May 2018 the ASCSU Executive Committee introduced AS-3328-18/EX “Adoption of “Tenets of System Level Governance in the California State University,” which grew out of meetings between the Executive Committee and the Chancellor’s Office leadership team about the state of faculty/ administration relations during the 2017-18 year. The resolution died for lack of sufficient votes to waive the first reading. The ASCSU subsequently passed AS-3334-18/Floor “Appreciation for Conversations on System Level Shared Governance in the CSU”. That resolution urged the 2018-19 ASCSU to take up discussion of the “Tenets” document as an agenda item during the Fall 2018 session of the ASCSU. Based on that recommendation, the 2018-19 Executive Committee is introducing this resolution to place the Tenets document before the ASCSU as a regular agenda item for adoption by the Senate. The resolution includes guidelines for the use of the expedited consultation process. Because the Tenets document is a living document it should be reviewed on a regular basis.*

Attachments:

1. *“Tenets of System Level Shared Governance of the California State University”
“Addendum”*

Approved – January 17-18, 2019

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3334-18/FLOOR
May 10-11, 2018

**APPRECIATION FOR CONVERSATIONS ON SYSTEM LEVEL
SHARED GOVERNANCE IN THE CSU**

- RESOLVED: That the Academic Senate of the California State University (ASCSU) express its deep admiration and appreciation for the work of the ASCSU Executive Committee and the leadership team of the Office of the Chancellor through a process consistent with the principles of joint decision-making as defined in the Higher Education Employer-Employee Relations Act (HEERA) and the American Association of University Professors (AAUP) Statement on Government of Colleges and Universities, and from which the agreement “Tenets of System Level Shared Governance of the California State University” was produced, and be it further
- RESOLVED: That the ASCSU also urge the 2018-2019 ASCSU to take up discussion of this document as an agenda item during the Fall 2018 session of the ASCSU, and be it further
- RESOLVED: That the ASCSU encourage the incoming Executive Committee to take advantage of the work embodied in the “Tenets” document and continue collaborative discussions on shared governance with the Chancellor and our Chancellor’s Office colleagues, and be it further
- RESOLVED: That the ASCSU and the CSU Office of the Chancellor continue to work collaboratively on matters of system-wide governance toward their common goal of providing life-changing higher educational opportunities for our students; and be it further
- RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU campus Presidents, CSU campus Senate Chairs, CSU Provosts/Vice Presidents of Academic Affairs, California Faculty Association (CFA), American Association of University Professors (AAUP), and the California Conference of the American Association of University Professors (CA-AAUP).

RATIONALE: *In August 2017 the Chancellor’s Office issued Executive Orders 1100 (Revised) and 1110. The expedited shared governance process used with those Executive Orders was the topic of much discussion and concern at ASCSU standing committee meetings and the September and November plenary meetings. At the November plenary the ASCSU directed its Executive Committee to engage in conversations with the Chancellor’s Office leadership team “to address the current state of faculty/administration relations and ask all of them to develop a mutually agreed upon definition of joint decision making and recommend a process by which decisions are made” (November, 2018 ASCSU Plenary minutes).*

As a result of that November directive, the Executive Committee and CO leadership team have met monthly to seek clarity on shared governance practices and processes. At their final meeting on May 8, 2018 the group issued their jointly crafted statement, “Tenets of System Level Shared Governance in the CSU.” The ASCSU Executive Committee brought that statement to the May 10-11, 2018 ASCSU plenary. Debate resulted in the ASCSU declining to take action on the statement largely because it was felt that the issues addressed were too important for precipitous action and would benefit from further discussion.

The conversations of the Executive Committee and the CO leadership team and the resulting document represent an effort on the part of all parties to engage in the theory and practice of shared governance in the CSU. ASCSU believes that those conversations were timely, commendable, and significant, and that the document resulting from these conversations deserves thoughtful consideration and discussion. Given that this document was presented at the terminal meeting of the 2017-2018 ASCSU we believe that the best approach is to carry the issue forward to the next academic year and the 2018-2019 ASCSU. Doing so will provide time for more thoughtful consideration and discussion. We further believe that the best outcome of this process will be developing and reinforcing a culture of continuing conversations about joint decision-making and shared governance in the CSU.

Approved Without Dissent – May 10-11, 2018

Tenets of System Level Shared Governance in the California State University

The Academic Senate of the California State University (ASCSU) and the Chancellor affirm their commitment that joint decision making is the long-accepted manner of shared governance at the system level.ⁱ Shared governance refers to the appropriately shared authority, responsibility and cooperative action among governing boards, administration and faculty in the governance and accountability of an academic institution.ⁱⁱ

The Constitution of the ASCSU establishes the purpose of the systemwide senate, as well as the means of consultation and decision making by which the senate will act.ⁱⁱⁱ Both the ASCSU and the chancellor recognize there will be areas of consultation and decision making in which one party or the other will have primary responsibility.^{iv} In the case of the faculty, primacy includes academic programs, curricula, methods of instruction, and areas of student life that directly relate to the educational process.^v In these areas the ASCSU is the formal policy-recommending body on systemwide academic and curricular policy and matters that directly impact them; it is also the primary consultative body on the academic implications of systemwide fiscal decisions.^{vi} The authority of the faculty in these areas derives from its recognized expertise in academic matters. The chancellor maintains administrative responsibility for the institution. The chancellor shares responsibility for the defining and attaining of systemwide goals, which may include goals for the educational program, and the communication that links all components. In the case of academic policy, proposals for changes in policy or for new policy may arise from academic administrators.^{vii} Both parties accept the fiduciary and governing authority of the Board of Trustees of the California State University ultimately to set policy. For the CSU, consultation must take place with the ASCSU in areas of faculty primacy described above. This primacy means the faculty voice is given the greatest weight, although the authority for the final decision resides in the Office of the Chancellor. In areas of faculty primacy, recommendations of the faculty are normally accepted, except in rare instances and for compelling reasons.^{viii}

Consultation and mutual respect are key components of shared governance. Effective consultation and joint decision making result in decisions that better serve the CSU and its students. While discussions may take place in different forms with other constituencies, faculty consultation means that there is an established process of deliberation that offers a means for the faculty—either as a whole or through authorized representatives—to develop and provide formal input in advance of decision making on the particular issue under consideration. System level policy affecting faculty primacy areas shall result from consultation between the chancellor and the ASCSU. Joint decision making in these areas results from effective consultation, as characterized below. While the ASCSU serves as the official voice of the faculty on systemwide issues, campus senates serve as the official voice of their respective faculty.

Consistent with the precepts of this document, but not expressly addressed herein, campuses have their own relationships with the Office of the Chancellor. A normative culture of meaningful consultation must be characterized by:

- openness and transparency;
- commitment to civility, integrity, respect and open communication;
- mutual responsibility for decisions;
- trust, including trust of good intentions;
- a commitment to responsible participation on the part of all parties;
- a respect for evidence-based deliberation;
- a recognition of established best practices and promising new data-driven practices in the evaluation of subjects under consideration; and
- a recognition that consultation must allow both parties the time to consider, debate, develop their responses and work toward consensus while recognizing the need to proceed in a timely manner.

In accordance with the above described culture of consultation, any plan or policy that could affect faculty primacy areas and that may actually or potentially result in an executive order, shall be provided in draft form to the ASCSU body (or Executive Committee if during the summer), allowing for a reasonable review period (normally expected to approximate 75 days). If requested by the Executive Committee, additional extensions to obtain feedback may be authorized by mutual agreement. Each party recognizes that there will be occasional circumstances in which time constraints do not allow for normal systems of consultation to work effectively. The formal consultation process will therefore make provision to allow for an explicit agreement between the ASCSU and the chancellor to engage in a mutually agreed-upon process of expedited consultation in such cases, while still recognizing the formal role of the academic senates as the faculty voice on the matters under consideration. In the unlikely event that agreement cannot be reached, the chancellor will decide. Because an expedited process is not the most optimal form of consultation and shortchanges a robust shared governance process, its use should be limited to those rare circumstances that justify departing from the more comprehensive process intended by this document.

Ultimately, genuine consultation based on sound reasoning occurs only in such a time and manner that each party has a reasonable opportunity to affect the decision being made.

ⁱ In California, the faculty role in shared governance and the centrality of joint decision making in that process is clarified in the Higher Education Employee Relations Act (HEERA); HEERA was to establish collective bargaining for faculty at CSU to insure that in doing so, traditional shared governance practices are not inhibited or undermined: “*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 these institutions, and declares that it is the purpose of this chapter 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...” <https://www.perb.ca.gov/laws/statutes.aspx#ST3560>

ii <https://www.aaup.org/report/statement-government-colleges-and-universities>.

iii http://www.calstate.edu/acadsen/records/about_the_senate/documents/constitution_2013_revision.pdf

iv <https://www.aaup.org/report/statement-government-colleges-and-universities>.

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vii <https://www.aaup.org/report/statement-government-colleges-and-universities>.

viii *Report of the Board of Trustees’ Ad Hoc Committee on Governance, Collegiality, and Responsibility in the California State University*. Adopted by the Board of Trustees of the California State University, September 1985.

Addendum

This document resulted from a series of meetings between members of the ASCSU Executive Committee (Christine Miller, Catherine Nelson, Simone Aloisio, Thomas Krabacher, and Robert Keith Collins) and members of the leadership team at the Office of the Chancellor (Timothy White, Loren Blanchard, Christine Mallon, James Minor and Leo Van Cleve). The meetings took place during the 2017-18 academic year, and culminated in mutual agreement on May 8, 2018.

The following definitions aided in the crafting of this document:

Chancellor: For the purpose of this document the Chancellor refers broadly to the functions assigned to the Chancellor and the staff who work in the Office of the Chancellor.

The following definitions are used by the American Association of University Professors and the American Conference of Academic Deans in surveys of higher education governance in 1970 and 2001.⁽¹⁾

“Consultation: Consultation means that there is a formal procedure or established practice which provides a means for the faculty (as a whole or through authorized representatives) to present its judgment in the form of a recommendation, vote or other expression sufficiently explicit to record the position or positions taken by the faculty. This explicit expression of faculty judgment must take place prior to the actual making of the decision in question. Initiative for the expression of faculty judgment may come from the faculty, the administration, or the board.”

“Discussion: Discussion means that there is only an informal expression of opinion from the faculty or from individual faculty members; or that there is formally expressed opinion only from administratively selected committees.”

⁽¹⁾ <https://www.aaup.org/NR/rdonlyres/97F85F15-0C93-4F2D-8291-E0E3DAC00329/0/01surv.pdf>

Tenets of System Level Shared Governance in the California State University

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In accordance with the above described culture of consultation, any plan or policy that could affect faculty primacy areas and that may actually or potentially result in an executive order, shall be provided in draft form to the ASCSU body (or Executive Committee if during the summer), allowing for a reasonable review period (normally expected to approximate 75 days). If requested by the Executive Committee, additional extensions to obtain feedback may be authorized by mutual agreement. Each party recognizes that there will be occasional circumstances in which time constraints do not allow for normal systems of consultation to work effectively. The formal consultation process will therefore make provision to allow for an explicit agreement between the ASCSU and the chancellor to engage in a mutually agreed-upon process of expedited consultation in such cases, while still recognizing the formal role of the academic senates as the faculty voice on the matters under consideration. In the unlikely event that agreement cannot be reached, the chancellor will decide. Because an expedited process is not the most optimal form of consultation and shortchanges a robust shared governance process, its use should be limited to those rare circumstances that justify departing from the more comprehensive process intended by this document.

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**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3328-18/EX
May 10-11, 2018
First Reading/Waiver

**ADOPTION OF “TENETS OF SYSTEM LEVEL SHARED GOVERNANCE IN THE
CALIFORNIA STATE UNIVERSITY”**

1 **1. RESOLVED:** That the Academic Senate of the California State University (ASCSU) adopt
2 the document titled, “Tenets of System Level Shared Governance in the California State
3 University” and its accompanying “Addendum;” and be it further

4 **2. RESOLVED:** That the ASCSU distribute this resolution to

- 5 • CSU Board of Trustees,
- 6 • CSU Chancellor,
- 7 • CSU campus Presidents,
- 8 • CSU campus Senate Chairs,
- 9 • CSU Provosts/Vice Presidents of Academic Affairs,
- 10 • California Faculty Association (CFA),
- 11 • American Association of University Professors (AAUP),
- 12 • California Conference of the American Association of University Professors.

13 ***RATIONALE:*** *In September 2017, the Academic Senate CSU passed AS-3304-*
14 *17/FGA/AA/APEP “On the Development and Implementation of Executive Orders 1100*
15 *(Revised) and 1110”. In the resolution, the ASCSU noted the major changes in*
16 *curricular design that would result from the Executive Orders (EOs) and called on*
17 *Chancellor Timothy White immediately to put both of them into abeyance. The resolution*
18 *also expressed serious concerns about the adequacy of the consultation and the timeline*
19 *of the EOs. Chancellor White made the decision to leave both EOs in place, including*
20 *their aggressive timelines for implementation. Subsequently, in November 2017, the*

21 *ASCSU passed a motion directing its Executive Committee “on behalf of the faculty to*
22 *meet with CSU leadership to address the current state of faculty/administration relations*
23 *and ask all of them to develop a mutually agreed upon definition of joint decision making*
24 *and recommend a process by which decisions are made.” A series of six, two-hour, in-*
25 *person monthly meetings then ensued. The first and last meetings included Chancellor*
26 *White; all six meetings included the following individuals:*

- 27 • *Dr. Christine M. Miller, ASCSU Chair*
- 28 • *Dr. Catherine Nelson, ASCSU Vice Chair*
- 29 • *Dr. Simone Aloisio, ASCSU Secretary*
- 30 • *Dr. Thomas Krabacher, ASCSU Member At Large*
- 31 • *Dr. Robert Keith Collins, ASCSU Member At Large*
- 32 • *Dr. Loren Blanchard, Executive Vice Chancellor*
- 33 • *Dr. Christine Mallon, Assistant Vice Chancellor*
- 34 • *Dr. James Minor, Assistant Vice Chancellor*
- 35 • *Mr. Leo Van Cleve, Assistant Vice Chancellor*

36 *This statement is the result of these meetings and is brought to the full ASCSU for its*
37 *consideration for adoption.*