

M Abdullah, M. Abed, J. Anguiano, Y. Ba, L. Fu, D. Hazra, S. Li, C. Ney

ABSENT

G. Fried-Amilivia

EXCUSED ABSENCE

Chair Bezdecny convened the (Zoom) meeting at 1:46 p.m.

Chair Bezdecny greeted members who celebrate Rosh Hashanah; and acknowledged support for Ukraine, the women of Iran, and the flood victims in Pakistan amongst the numerous other things taking place in the world.

Senator Ramos read the Tongva land acknowledgement.

1. 1.1 Chair's announcements:

ANNOUNCEMENTS

- 1.1.1 The presidential search will begin in a little over a month and we are looking for nominations of the T/TT faculty to serve on the Advisory Committee to the Trustees Committee for the Selection of the President (ACTCSP). Nominations, including a roughly 150-250 word statement of interest, are due by September 30, 2022 and should be submitted to the Academic Senate at AcademicSenate@calstatela.edu.
- 1.1.2 We still need a few more self-nominations/volunteers for the Faculty Perceptions Committee. This is our opportunity to provide faculty input on MPPs during their evaluation cycle. Those of you who have already emailed us, we thank you and you will be hearing from us soon. If anyone is interested, please email us at AcademicSenate@calstatela.edu or email me directly.
- 1.1.3 Our first event for the presidential search will be an open campus forum on November 2, 12:30-2:30 p.m. in the Luckman Theatre. Please save the date and I encourage everyone who is available to attend. If there are any changes in the date and time, I will let you know.
- 1.1.4 The call for the Wang Family Excellence Awards have gone out. The nominations are due by 12pm, Friday, October 7. Anyone who is interested in nominating a colleague or self-nominating, please submit your nominations as soon as possible.
- 1.1.5 We will be holding an AB 928 – Cal GETC (the Common GE Transfer Pattern) information session on Tuesday, October 4, 2:00-3:00 p.m. Members of ICAS, the intersegmental campus group that were the primary negotiators, will come speak to our campus. This will be an open session and we will forward the Zoom meeting information soon. If you cannot attend but have questions, please forward your questions ahead of the session and we will seek to get them answered.
- 1.1.6 Just a reminder that we will be having the Cozen O'Connor visit in late November. I've heard from several people who have discussed their interest in being able to talk with them and their rationale for why. If there is a group or individual who you think should speak with them, we're compiling a list including rationales because that helps us make the case when we start negotiating which additional groups will get a meeting slot during their visit. If you have any ideas, please contact me directly.
- 1.1.7 An update about our Senate website: I showed you our new landing page and we will be working on the rest of the pages over the course of the year. Based on a request at the last meeting, we've been able to get several of the minutes posted but there are still a few items missing. Those items are still being remediated for accessibility per campus policy. We are working on updating our timelines and processes to accommodate a more timely fashion, however remediation does not take place through our office. As we are working through

ANNOUNCEMENTS
(continued)

this, you can go to the meeting calendar on the homepage of the Senate website and it shows the draft Senate agenda and minutes for meetings. I know it's not the approved ones but almost always are identical. Please reach out to our office and we can accommodate case by case requests if needed and necessary.

1.1.8 Just a reminder as we move into fall, as of late last week, the CDC has reported that LA County is still in high community transmission for Covid-19. For those who are able to, I would strongly encourage you to get your Bivalent Covid booster. This booster has been preliminarily tested against the BA.5 Omicron subvariant.

1.2 A. Ellis, AVP for Diversity and Equity, announced: I want to let everyone know that we now have our website up that shows cultural, heritage and awareness celebrations or months. Faculty should have received an email from the Cross-Cultural Centers requesting events they want publicized or that they would like to organize. We have the entire events calendar posted. Some parts of the website are still being updated so check back or please let me know.

1.3 Senator Ramos announced: I wanted to encourage all faculty to join the CFA General Membership town hall tonight from 5:00-6:30pm. Our president, Anthony Ratcliff and the e-board will be leading the discussion. It's a busy season but it's important for all of us to make the effort to make our campus a humane and welcoming space for our students and our faculty.

CONCERNS FROM THE
FLOOR

2. 2.1 Senator Hanan raised the following concern: I have a question about the recent announcement for the advisory board for the selection of the incoming president. I noticed that there are two faculty that will be represented. Are there being distinctions made or is there any move to include lecturers?

Chair Bezdecny responded from the floor.

2.2 Senator Wells raised the following concern: We have not yet received Executive Committee meeting minutes as Senators. The Executive Committee represents the Academic Senate and as Senators, we should be informed of the business of the Executive Committee through the minutes in a timely manner. According to the Constitution, it is the responsibility of the Executive Committee officers to post the minutes and members are supposed to receive assigned time for their duties. Is the current number of assigned time units provided by the University Administration insufficient to allow the Executive Committee to perform all of its functions?

Chair Bezdecny advised that she would follow up at a later time.

2.3 Senator Talcott raised the following concern: I discovered last week that posters in my office that involve Black liberation themes have been stolen from my office including ones of Troy Davis and George Jackson who were both executed by their states, quotes from Nikki Giovanni and bell hooks. My concern is who is coming into our offices? The climate of anti-blackness and of police harming and threatening verbally black faculty on campus has me in a conundrum about reporting this. I would like to know if there are any faculty who have political materials, particularly around Black freedom and Black liberation that are being taken from your offices. I have several other posters that have remained intact.

There was no response from the floor, but additional discussion took place.

2.4 Senator Ali raised the following concern: Students are concerned about courses and syllabi being posted on Canvas one day for classes start including books that have to be obtained from the library. Students are often unable to get the books and must get them elsewhere. Do we have any policies that require faculty to post this information earlier.

CONCERNS FROM THE
FLOOR (continued)

Senators Flint, Hanan, and Chair Bezdecny replied from the floor.

2.5 Senator Joseph raised the following concern: When things get vetoed by the Executive, there are override procedures that exist at out State and Federal level. Does our Academic Senate have the ability to think about where overrides could happen and does that exist within our framework?

Chair Bezdecny responded from the floor.

3. 3.1 Chair Bezdecny advised the body that we did not have any new intent to raise questions.

INTENT TO RAISE
QUESTIONS

3.2 Chair Bezdecny provided the following responses from President Covino (on behalf of himself, general counsel, and AVP Fazzi) and CFA President Ratcliff and Faculty Rights Chair Talcott* to Senator Riggio's intent to raise question from the meeting of August 30, 2022 (ASM 22-2):

* 1. CFA has the right to meet and confer over changes to discipline and workload. 2. We have reviewed the changes in these policies and find no problems with the proposed policies.

Q1:

Covino: The following was confirmed with the Office of General Counsel of the CSU. The Academic Senate, the California Faculty Association, and the administration each have important roles, rights, and responsibilities. The Academic Senate has a central role in shared governance with the administration on policies related to academic and professional matters. The authority of the Academic Senate is governed by the Academic Senate Charter and campus practices. Appendix U of the Cal State LA Faculty Handbook outlines the role of the Academic Senate on academic and professional matters.

This shared governance role for academic and professional matters is supported by the Higher Education Employer-Employee Relations Act (HEERA) 3561 (b). HEERA addresses labor relations and the rights of unions and employees and, while the Academic Senate is independent of HEERA. HEERA does encourage the shared governance process and preserves the "principle of peer review of appointment, promotion, retention, and tenure for academic employees" Criteria and standards for ARTP are delineated as a required shared governance role for the Academic Senate and the administration.

Collective bargaining is the purview of the California Faculty Association. HEERA defines the scope of bargaining as wages, hours of employment, and other terms and conditions of employment. These areas must be negotiated with the union. HEERA excludes from the scope of bargaining the following: admission requirements, academic requirements for degrees and certificates, and the content and conduct of curriculum. These three areas also fall within the shared governance role of the Academic Senate and administration.

For matters outside of the scope of bargaining and those not clearly within the scope of academic and professional matters, the administration may consult with the Academic Senate, but is not required to according to HEERA.

The Academic Senate's Principles and Policies also encourage, but do not require the CSU to consult with the Academic Senate on matters outside the scope of bargaining. The document further acknowledges that, "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." (p.23)

INTENT TO RAISE
QUESTIONS (continued)

The administration can consult with the Academic Senate on matters within the scope of bargaining, but it not required to. The Academic Senate does not create policy that must be bargained. These proposed policies clearly involved matters that must go through the bargaining process.

CFA: HEERA, and CA Labor Law

Q2:

Covino: The existing Faculty Handbook at Cal State LA is assumed to be valid as agreed upon by the Academic Senate and President of the time, with exceptions for anything that may be outdated by changes to CSU Policy, law, or contract or is in conflict with one of the aforementioned.

CFA: Valid

Q3:

Covino: Policies in the Cal State LA Faculty Handbook are assumed valid, and represent joint decisions made between the campus academic senate and the president, with exceptions for anything that may be superseded by or in conflict with CSU Policy, law or contract. Many of the policies that relate to the Collective Bargaining Agreement assist faculty, staff and administration in the procedural implementation of CBA articles that relate to academic matters. According to the Faculty Handbook, the faculty have primary responsibility for curriculum and instruction and faculty affairs as relates to appointments, retention, tenure, and promotion, emeritus status, professional awards and leaves, and ensuring representation and participation on committees. These responsibilities are outlined in Appendix U: Clarification of the Respective Roles of the Academic Senate and the University Administration.

It is agreed that there is a Dismissal policy in the Faculty Handbook that was adopted in 1989.

It refers the reader to article 19 of the Agreement and no more.

CFA: Valid

Q4:

Covino: The agreement does recognize the unique roles and responsibilities of the Academic Senate and specifies these in both 12.6 and 20.37 as noted below. Where matters relate to ARTP criteria and standards, curriculum, instruction, and professional matters such as committee representation, shared governance with the Academic Senate is expected. The agreement also indicates in Article 1.1 that the CFA is the sole and exclusive representative of the bargaining unit.

The proposed policies about reprimands and disciplinary actions provide for additional procedures that were not previously bargained for or agreed upon through the Collective Bargaining Agreement process.

CFA: Senates at all CSU campuses make policies consistent with the Collective Bargaining Agreement

Q5:

Covino: The CSU and CFA negotiated two specific roles for the Academic Senate Articles 12.16 and 20.37.

Article 12.16 specifically refers to the Academic Senate's role in determining procedures related to Temporary Range Elevation. There is no disagreement about the role of the Academic Senate in determining procedures through policy related to Temporary Range Elevation as afforded in 12.16.

Article 20.37 specifically requires that the Academic Senate of each campus develop criteria and procedures for the use of funds for Exceptional Levels of Service to Students. There is no disagreement about this role for Exceptional Levels of Service Awards in 20.37.

CFA: Yes

Q6:

Covino: No, not unless specifically authorized (as in the above Articles 12.16 and 20.37). To apply the phrase above to the entire CBA is an overgeneralization of a specific phrase related to Range Elevations.

Summary:

The proposed policies about reprimands and disciplinary actions are, on their face, not consistent with the CBA because they expand on the bargained for and agreed upon procedures, which are already outlined in Articles 18 and 19.

Reprimands and Disciplinary Action are clearly within the scope of bargaining and as such, would require the University to notice and bargain with the union. The rights and procedures for both have already been negotiated with the CFA and both have been described in detail in the agreement in Articles 18 and 19 and there is no obligation to consider anything more.

CFA: Yes, and they are typically subject to approval by the president, or their designee.

We appreciate the consideration of your faculty union in the spirit of shared governance and faculty rights.

3.2 Chair Bezdecny provided the following responses from Provost Gomez AVP Fazzi to Senator Harris's intent to raise question from the meeting of September 13, 2022 (ASM 22-3):

1. The Provost reviews both the sabbatical proposals and the evaluations from the college level as part of the consideration process. In light of the fact that all (or most all) proposals submitted are recommended for funding by the college, the Provost relies heavily on the college rankings in making final decisions.
2. The rubrics and comments from college committee and dean reviews are provided to applicants and provide formative information for applicants. The Provost is considering a more explanatory sabbatical letter for the 2023-2024 sabbatical awards that will include information about the rankings and how those were involved in individual decisions.

4. It was m/s/p (Larkins) to approve the minutes of the meeting of September 13, 2022 (ASM 22-3).

5. 5.1 It was m/s/ (Flint) to approve the agenda.

5.2 It was m/s/ (Wells) to send item 12: Proposed Policy Modification: Academic Information Resources Subcommittee back to the committee and remove from agenda.

5.3 Debate ensued and there were no objections to removing the motion.

5.4 The agenda was approved.

INTENT TO RAISE
QUESTIONS (continued)

APPROVAL OF THE
MINUTES

APPROVAL OF THE
AGENDA

SENATE CHAIR'S REPORT

RESOLUTION IN SUPPORT
OF PARENTAL LEAVE:
MOTION TO ENDORSE

PROPOSED POLICY MOD-
IFICATION: DEPARTMENT/
DIVISION CHAIRS AND
SCHOOL DIRECTORS,
FACULTY HANDBOOK,
CHAPTER III (22-2)
Second-Reading Item
Forwarded to the President

ADJOURNMENT

6. Chair Bezdecny presented her report.
7. It was m/s/p (Avramchuk) to approve the resolution (V: 39/1/3)
8. 8.1 It was m/s/ (Riggio) to remove from lines 114-115 the following language:
WITH A TIME BASE OF 0.5 OR ABOVE IN THE CURRENT ACADEMIC YEAR and reinstate the proposed deleted following language in lines 117-118:
Faculty with less than a 0.5 time base shall receive 0.5 votes. Faculty with a time base of 0.5 or above shall receive one vote.
 - 8.2 Debate ensued and the Riggio motion passed. (V: 35/3)
 - 8.3 Debate ensued and Senator Baaske called the question. No objections were raised.
 - 8.4 The recommendation was APPROVED. (V:21/15/3)
9. It was m/s/p (Schaff) to adjourn at 3:45 p.m.1