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Faculty Senate Executive Committee Minutes (2/22/2022)

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CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO
FACULTY SENATE EXECUTIVE COMMITTEE
[Terms of Engagement/Collaboration Standards](#)
<https://csusb.zoom.us/j/83292441089>

MINUTES

Tuesday, February 22, 2022 – 2-4 PM

Members Present: Beth Steffel, Claudia Davis, Sherri Franklin-Guy, Donna Garcia, Mark Groen, Jacqueline Hughes, Ann Johnson, Karen Kolehmainen, Shari McMahan, Tomás Morales

Members Not Present:

1. Approval of [FS Executive Committee Meeting Minutes, February 15, 2022](#)
 - 1.1. The Executive Committee unanimously approved the FS Executive Committee Minutes for February 15, 2022, as presented.
2. Appointments
 - 2.1. [Student Grade Appeals Panel](#) - **3 Positions** 2 CAL (2020-2022, 2021-2023), 1 JHBC (2021-2023) tenured, tenure-track
 - 2.1.1. Robert Kyriakos Smith, **(CAL)**
 - 2.1.1.1. Robert Kyriakos Smith was appointed to the committee for the 2021-2023 term. The Faculty Senate Office staff will notify the appointee
 - 2.2. [Student Perceptions of Teaching \(SPT\) Pilot Test](#) – **2 Positions** JHBC, PDC tenure-line faculty Representative,
 - 2.2.1. Jing Zhang, **(JHBC)**
 - 2.2.1.1. Jing Zhang was appointed to the committee. The Faculty Senate Office staff will notify the appointee.
3. President's Report-No report
 - 3.1. Chair Steffel mentioned that in the communication that was sent out yesterday regarding Joseph Castro Resigns as CSU Chancellor there was a problem with some of the links on the Title IX website. When you click on the complaint form and the pdf version links to file a complaint you receive an error message.
 - 3.1.1. President Morales will look into this issue.
 - 3.2. Chair Steffel said that they are having conversations on a system wide level in the ASCSU about Title IX and Discrimination, Harassment, and Retaliation complaints. I was wondering if we are taking this opportunity to look on a campus level to see if there's any improvements needed or an opportunity to see what we are doing at the campus level as well as the system wide level?

- 3.2.1. President Morales mentioned that we recently restructured and for many years the Title IX Director reported directly to the President. About two years ago we created an office DHR - Discrimination, Harassment, Retaliation and we embedded the Title IX operation within that office. We did a national search and Cristina Alvarez who was the Title IX Director was selected.
- 3.3. EC member Hughes asked if we have considered surveying those who have complaints to see how satisfied they were with the process that they went through with the investigation of their complaints? Do we have any information that tells us how our campus feels about the process and how they feel it's working for them?
 - 3.3.1. President Morales responded by saying that he meets every two weeks with our campus attorney, HR, Faculty Affairs, the Provost, the AVP for Finance and Administration, Cristina Alvarez, and the AVP for HR and we review every case that is brought to the floor. Some are being investigated internally and others are being investigated by a third party. We investigate every complaint we receive, whether a person filed a 1096 or not. If we hear a complaint somebody has been treated in a discriminatory manner or someone has filed a complaint that they are being harassed, retaliated against, discriminated against we immediately embark on an investigation. If a case is lodged against a Vice President that is always investigated by an external investigator organization which is usually a law firm that specializes in these matters. We meet every two weeks with our campus attorney and it is called a Personnel Litigation meeting where we review every single grievance and every single complaint that is filed by any member of the university student, faculty, or staff. I feel somewhat confident that we are on top of any type of complaint that is filed.
- 3.4. EC member Davis asked if there was any way to really find out if a person's complaint was resolved and what was the process?
 - 3.4.1. President Morales said a complaint is lodged and the complaint is investigated. As I mentioned in certain cases we determine it is best not to conduct the investigation internally, but to hire a law firm that specializes in these matters and they conduct an investigation. They will conclude with a preponderance of evidence that the complaint is unfounded. That doesn't mean the complainant is satisfied with the results of that investigation then the individual has other means to pursue their complaint external to the university. They can file a lawsuit against the university, they can file a complaint against the EEOC. So there are other avenues that the complainant can pursue. Sometimes the investigative report will conclude that the investigation and the complainant is satisfied with the results of that investigation. I take every complaint seriously.

3.5. EC member Johnson asked if it is a similar process when it is regarding a race matter, but understands that even though Title IX is gender there are other ways of investigating when it's race.

3.5.1. President Morales responded by saying the university has a set of policies that pertain to Title IX that pertain to Executive Orders that oversee Title IX that oversees HR Discrimination, Harassment, Retaliation and we follow those Executive Orders verbatim. We have conducted investigations even when someone has not filed a formal 1096. If we feel that it is sufficient we'll conduct the investigation. We air on the side of ensuring that complaints that are expressed are looked at in a very methodical way.

4. Provost's Report

4.1. We launched Coyote Hour with a celebration this afternoon in front of Wild Song.

4.2. EC member Hughes asked the Provost if she had a chance to follow up with AP Yildirim regarding the discussion on faculty members who are hired for teaching online that are out of state or in another country? That is something I don't think should be in the Office Hours policy.

4.2.1. Provost McMahan said tenure line faculty are expected to be in California.

4.2.1.1. EC member Hughes said the question that was raised is that we have faculty that are employed that work outside of California, internationally, or teach online. How do we reflect that in the policy on how they are treated?

4.2.1.1.1. Provost McMahan said she made a recommendation that they get approval from the Department Chair or special consideration. There could be some language written in that they would have to go through the Department Chair for fully remote programs and online faculty.

4.3. EC member Johnson asked if FERP faculty were hired as tenure line but became FERP and we get a different draft of the policy back from the administration what about FERP's who don't live in California? Is that something that is handled by the Chair or is that something the administration is addressing?

4.3.1. Provost McMahan said FERP faculty are still considered tenure faculty so technically they should not reside outside of California.

4.4. EC member Johnson also said that she received an email from the travel office regarding a travel I am supposed to go on which is out of state and the email stated that once I return to the State of California, I need to quarantine for 3-5 days. I was wondering if by state policy is it 3 days or is it 5 days?

4.4.1. Provost McMahan said she didn't know the travel policy. She will look into it.

- 4.4.1.1. President Morales suggested calling Lynniece Warren the Director in Risk Management. You can also reach out to Jenny Sorenson, the Chair of the Repopulation committee and if that doesn't work call me and I will find the answer for you.
 - 4.5. EC member Davis asked for clarification regarding faculty that are teaching in fully online courses outside the State of California. Are they expected to have office hours that are not online, but a regular program?
 - 4.5.1. Provost McMahan said if they are teaching outside, I don't know how they would get here.
 - 4.5.1.1. EC member Davis clarified by saying if a faculty member teaches in a different country teaching online but it is in a regular program. I thought you said that they could teach in regularly fully online programs. This program in particular is a regular program, so it's not an online program. Where is the equity for faculty that's here that's teaching vs ones that are elsewhere and teaching? Where is the equity for individuals outside of California and they are not physically here and they are not teaching a course in a fully online program?
 - 4.5.1.1.1. Provost McMahan feels like we are going back to the original proposal on Office Hours that was voted on. The original proposal said you had to be "and" if a student requested your presence in person you should be here and that seemed to be what a lot of people thought would be important.
 - 4.6. EC member Garcia suggested putting updated information related to the travel policy on the Travel website and on Concur so all faculty can view it.
 - 4.6.1. Provost McMahan will bring that request forward.
- 5. [Chair's Report](#)
- 6. FAC Report-No submitted report-FAC unable to meet
- 7. [EPRC Report](#)
 - 7.1. Elections Chair Garcia asked if Chair Hughes received the feedback from the elected faculty or the Ed.D program move?
 - 7.1.1. Chair Hughes said yes it was sent.
- 8. [Statewide/ASCSU \(Academic Senate of the CSU\) Senators' Report](#)
 - 8.1. [CSU Board of Trustees January 2022 Resolutions](#)
 - 8.2. [January 2022 Resolution Summary](#)
- 9. [\[Draft\] Interim Process for Resolving Bias/COI in Reviews](#)
 - 9.1. [Response from General Counsel Re: Conflicts of Interest](#)

9.2. [Faculty-Senate-Requested Letter to University Counsel](#)

- 9.2.1. EC member Hughes requested a motion for Chair Steffel to draft a proposal to bring for next week's EC meeting.

10. New Business

11. Adjournment @3:45PM