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**CSUSB Faculty Senate Resolution to Address
Unprofessional, Unethical Recruitment, Selection, and Appointment Practices
Regarding MPPs on the CSUSB Campus**

May 7, 2024

WHEREAS the faculty at California State University, San Bernardino (CSUSB) firmly believe that all individuals and organizations on campus are obligated to follow best practices in the hiring of personnel at all levels and such best practices require an open search for qualified candidates from a widely distributed and publicly available job description advertisement that adheres to CSU policies and state/federal employment law standards;ⁱ and

WHEREAS “preselection” is the act of selecting an individual for a specific position based on acquaintance prior to a publicly announced search process, which can be exacerbated by placing the preselected candidate in the position on an interim basis;ⁱⁱ and

WHEREAS preselection practices are managerially inappropriate because they encourage a culture of “who you know” rather than “what you know” and “how you do it”; and are unethical because open searches purport to fairness and transparency, while in reality preselection manipulates the process, drains resources and increases organizational cynicism; and are illegal under Constitutional, federal, and state law requiring due process, merit in public hiring, and prohibitions against discrimination of protected classes;ⁱⁱⁱ and

WHEREAS three cabinet-level administrators, including the Provost, Vice Provost, and the College of Social and Behavioral Sciences Dean have been made permanent hires from interim appointments, all of which had no open advertisement or search for the interim staffing of these positions and another is pending; and

WHEREAS some members of search committees had potential sources of conflict of interest as they were directly reporting to an interim candidate who applied and received the position; and

WHEREAS MPP appointments have recently provided excessive salaries for internally selected candidates raising concerns about financial stewardship.

THEREFORE, BE IT

RESOLVED: that the faculty at CSUSB calls upon the Administration to immediately publicly address the above stated concerns of the University community and Faculty Senate with regard to the appearance of impropriety, ethical lapses, illegality, and

RESOLVED: The faculty at CSUSB calls upon the President to immediately cease illicit preselection practices and restore commonly accepted HR practices that allow for faculty involvement, non-rushed decisions, clearly defined search processes, adequate search pools, appearance of propriety and fairness, and conflict of interest recusals, and

RESOLVED: The President and Vice Presidents be more restrained in the salary they provide for MPPs and more transparent about those salaries, and

RESOLVED: That this resolution be distributed to the President, the President's Cabinet, the ASI leadership at CSUSB, and also to all Presidents, Senate Chairs and HR Directors of the CSU campuses, to CSU Vice Chancellor for Human Resources Leora D. Freedman, Executive Vice Chancellor and Chief Financial Officer, Steve Relyea, to CSU Chancellor Mildred Garcia, the CSU Board of Trustees and the State Senate and Assembly education committee chairs (Josh Newman and Al Muratsuchi).

i Some policy documents that govern the recruitment and hiring of MPP positions from the Chancellor's office: https://hraps.humboldt.edu/sites/default/files/docs/tl-appt2013-03_-_recruitment_hiring_guidelines.pdf and <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/legislative-reports/Summary-of-Hiring-Practices-2023.pdf>

ii For discussion of sham recruitment in the public sector, see Berman, Bowman, West, and Van Wart, *Human Resource Management in Public Service*, 7th edition, Sage, 2022, pp. 115-16.

iii See Fifth Amendment to the Constitution requiring due process and thus fairness, a condition violated in preselection and affording a Constitutional tort lawsuit; Federal law: Title 5, Code of Federal Regulations, Chapter 1, Subchapter B, Part 900, Subpart F (Standards for a Merit System Personnel Administration Authority) requiring merit systems to be in place to secure federal grant monies; Title VII of the Civil Rights Act of 1964; The Civil Rights Act of 1991 (enhances damages in cases of intentional discrimination). No matter whether someone is in, or not in, a protected class, preselection discriminates against all other applicants who are in protected classes; California law: Fair Employment and Housing Act. Race, color, ancestry, national origin, religion, creed, age (40 and over), disability, mental and physical, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sexual orientation. Can't discriminate against protected class applicants who are not given a fair chance; The California Whistleblower Protection Act [Cal. Lab. Code § 1102.5].

On behalf of the 58th Faculty Senate



Claudia Davis, PhD

Faculty Senate Chair

Date: May 14th, 2024