

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 8:30 a.m., Thursday, November 21, 2024
Glenn S. Dumke Auditorium

Wenda Fong, Chair
Lillian Kimbell, Vice Chair
Larry L. Adamson
Diego Arambula
Raji Kaur Brar
Jean Picker Firstenberg
Julia I. Lopez
Sam Nejabat

- Consent**
1. Approval of Minutes, *Action*
 2. Annual Report on Outside Employment for Senior Management Employees, *Action*
 3. Annual Report on Vice President Compensation and Executive Relocation, *Information*
- Discussion**
4. Annual Report on Executive Transition Assignments, *Information*
 5. Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services, *Information*

**MINUTES OF THE MEETING OF THE
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**

September 25, 2024

Members Present

Wenda Fong, Chair
Lillian Kimbell, Vice Chair
Larry L. Adamson
Diego Arambula
Raji Kaur Brar
Jean Picker Firstenberg
Julia I. Lopez
Sam Nejabat

Jack B. Clarke, Jr., Chair of the Board
Mildred García, Chancellor

Public Comment

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

Trustee Wenda Fong called the meeting to order.

Consent Agenda

A motion to approve the consent agenda passed without discussion. The minutes from the meeting of July 24, 2024 were approved as submitted.

Executive Compensation: President – California State University, Bakersfield

Chancellor Mildred García introduced Dr. Vernon B. Harper, Jr. as president of California State University, Bakersfield. He had been serving as interim president of the university. The chancellor recommended an annual salary of \$429,981 effective September 25, 2024, the date of Dr. Harper's

appointment as president. She noted that the proposed salary does not exceed the former incumbent's salary by more than 10% and is consistent with CSU Board of Trustees Policy on Compensation. CSU Bakersfield does not have an official residence for the president; therefore, an annual housing allowance of \$50,000 is provided. This is the same housing allowance as the former president. A monthly auto allowance of \$1,000 is also provided. A motion to approve the resolution was passed by the committee (RUF 09-24-15).

Executive Compensation: Interim President – California State Polytechnic University, Humboldt

Chancellor Mildred García introduced Dr. Michael E. Spagna as interim president of California State Polytechnic University, Humboldt. He had been serving as acting president. The chancellor recommended an annual salary of \$396,156 effective September 25, 2024, the date of Dr. Spagna's appointment as interim president. Cal Poly Humboldt does not have an official university residence for the president; therefore, an annual housing allowance of \$50,000 is provided. This is the same salary and housing allowance as the former president. A monthly auto allowance of \$1,000 is also provided. A motion to approve the resolution was passed by the committee (RUF 09-24-16).

Executive Transition Assignment

Chancellor Mildred García presented the executive transition assignment for President Tom Jackson, Jr. who stepped down from the presidency of California State Polytechnic University, Humboldt in August 2024 and entered into a one-year executive transition assignment. She explained eligibility criteria for the Transition II Program and noted that Dr. Jackson met program requirements. The chancellor reported that, in accordance with CSU policy, she approved his transition assignment following consultation with the committee chair.

During the transition period, Dr. Jackson's duties include collaborating on projects related to building and strengthening partnerships with tribal communities and addressing strategies pertaining to intercollegiate athletics. Dr. Jackson is also preparing to retreat to the faculty at the conclusion of his transition assignment.

Consistent with CSU practice for executives participating in this transition program, Dr. Jackson was appointed into the Management Personnel Plan and his annual salary is \$303,012 (the mid-point between his final salary as president and the maximum salary for a full professor). Chancellor García concluded by thanking Dr. Jackson for his leadership and contributions to the CSU and his continued efforts on behalf of the California State University.

Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Interim Vice Chancellor of Human Resources Albert Liddicoat introduced Associate Vice Chancellor for Civil Rights Programming and Services, Hayley Schwartzkopf, to present the

update on civil rights work at the Chancellor's Office and across the CSU. A separate presentation on trauma-informed practices in civil rights cases followed the regular report.

Associate Vice Chancellor Schwartzkopf began the presentation with an overview of the vision, mission, and values for civil rights programs and services at the CSU; developed in collaboration with the chancellor, the oversight committee, and other stakeholder groups. Emphasizing a people-first approach, the vision for civil rights is to create a safe and supportive environment for all community members, free from discrimination and harassment. The mission focuses on ensuring fair and compassionate processes while prioritizing the humanity of those involved. The vision and mission are reflected in values such as respect, dignity, and holistic support for both students and employees. To achieve these goals, CSU will foster collaboration across campuses, enhancing support for individuals accessing civil rights processes. A steering committee will be formed to establish a framework that strengthens interconnectivity among various stakeholders.

Associate Vice Chancellor Schwartzkopf reviewed the CSU's progress in implementing the California State Auditor's recommendations with a target completion date of July 2024 and reported that 10 out of 12 recommendations are fully implemented. In the two cases partially implemented (the Annual Report Survey and the requirement to implement regular program reviews for university campuses), the State Auditor agreed that the CSU has created the processes that were required by the audit but decided to wait and see the processes in action at the university level before they consider the recommendations fully complete.

The Annual Report Surveys from the 23 universities and Chancellor's Office are due on October 1, 2024, with the summarized results to be presented to the Board in November 2024. A comprehensive systemwide report to the legislature will be completed by December 1, 2024. Therefore, this recommendation will be fully implemented by December 2024.

Program reviews are underway at five CSU campuses: Chico State, Cal Maritime, CSU Bakersfield, Cal Poly Pomona, and Cal State Long Beach. Upon completion of the reviews, a report detailing areas of strength and opportunities for growth will be shared with the university president and other stakeholders. Information from the campus program reviews will be aggregated into a systemwide report which will be publicly posted. This recommendation is expected to be fully implemented by mid-December. The next update to the State Auditor is anticipated to take place in January 2025, during which the CSU expects the two partially implemented recommendations to be recognized as fully complete.

On August 14, 2024, Chancellor García and Associate Vice Chancellor Schwartzkopf presented the CSU's achievements related to the State Auditor's report at a hearing before the Joint Legislative Audit Committee, the Assembly Higher Education Committee, and the Senate Education Committee. Chancellor García's remarks at the hearing emphasized the need for cultural change within CSU and announced a significant investment of \$15.9 million to enhance civil rights

programs this academic year. The chair of the Joint Legislative Audit Committee also recognized the progress made by the CSU in the past year.

Interim Vice Chancellor Liddicoat and Associate Vice Chancellor Schwartzkopf provided a high-level presentation on trauma-informed practices and illustrated their integration into the daily operations of our university campuses. The overview explained the critical role these practices play in empowering individuals affected by trauma, enabling them to engage in processes at their own pace and in a manner that feels safe and comfortable. CSU also extends support and counseling for employees who handle these sensitive processes.

The complete report presented to the board is available on the CSU's Civil Rights Status Updates web page at:

<https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/Pages/status-update.aspx>

During the discussion that followed, Chair Clarke remarked that he appreciated the information on trauma-based interventions and requested similar presentations related to Title IX and DHR that will enhance the board's understanding (such as privacy rights and confidentiality requirements). Trustee Gilbert-Lurie inquired about supportive measures for impacted parties in civil rights cases and how the CSU is ensuring sufficient mental health resources. She requested to revisit this topic in future oversight or steering committee meetings. Trustee McGrory's comments related to balancing the rights of complainants and respondents while creating a safe environment in cases of repeated bad actions is another area where a presentation would be beneficial to the board.

Chair Fong adjourned the meeting of the Committee on University and Faculty Personnel.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Annual Report on Outside Employment for Senior Management Employees

Presentation By

Albert A. Liddicoat
Interim Vice Chancellor
Human Resources

Summary

In accordance with the California State University (CSU) Board of Trustees policy on outside employment disclosure requirements, this item presents the outside employment activities of senior management employees as of July 2024, that took place during the 2023 calendar year.

Background

In November 2016 the policy on disclosure requirements for outside employment was updated (RUF 11-16-10) to require the Board to annually review and approve the outside employment of all senior management employees. For purposes of this policy, senior management includes presidents, vice presidents, executive/vice chancellors and the chancellor.

The policy also requires that this information be presented for public discussion and made available on a public website. The annual report on outside employment for senior management employees will be posted for public viewing on the CSU transparency and accountability website at: <https://www2.calstate.edu/csu-system/transparency-accountability>.

Annual Report

The annual report on outside employment for senior management is provided in Attachment A. The report shows 15 senior management employees with outside employment during the reporting period for the 2023 calendar year.

Recommended Action

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that the 2023 Senior Management Outside Employment Disclosure Report, as cited in Item 2 of the Committee on University and Faculty Personnel at the November 20-21, 2024 meeting of the Board of Trustees, is approved.

California State University
Senior Management Outside Employment Disclosure Report*
Reporting Period: 2023 Calendar Year

Attachment A
U&FP Agenda Item 2
November 20-21, 2024
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Employee Name (Campus)	CSU Working Title	Name of Outside Employer/Business	Role	Total Time Served (Hours)	Total Compensation Received	Comments
Mildred García	Chancellor	Educational Testing Service (ETS)	Member, Board of Trustees (10/01/2017) / Vice Chair, Board of Trustees (04/28/2023)	32 hours (4 days per year)	\$79,000	
Thom Davis (Bakersfield)	Vice President and Chief Financial Officer, Business and Administrative Services	University of North Texas System	Associate Controller for system-wide reporting	416-520 hours	\$26,000	Part-time, Remote work
Monique Sendze (Chico)	Vice President, Information Technology and Chief Information Officer	Attain Partners	Reviewed contract and scope of work for a public library project in Arizona	4 hours	\$400	
Deborah Wallace (Dominguez Hills)	Vice President & Chief Financial Officer, Administration & Finance	Wallace & Associates Realty, Inc.	Real Estate Broker/ Owner	25 hours	\$1,500	
William Franklin (Dominguez Hills)	Vice President, Student Affairs	CSUDH Toro Auxiliary Partners	PI for the CSU Young Males of Color Consortium	500 hours	\$23,000	
Bobbie Porter (Dominguez Hills)	Vice President & Chief Diversity, Equity, and Inclusion Officer	City of Ontario	Keynote speaker for agency event	2 hours	\$2,500	
Cathy Sandeen (East Bay)	President	The Chronicle of Higher Education	Panelist on a Webinar	1 hour	\$250	
Beth Lesen (Long Beach)	Vice President, Student Affairs	City of Long Beach	Health & Human Services Commission	24 hours	\$600	
Tomas Morales (San Bernardino)	President	United Health Group New York	Director on Board of Directors	10 hours	\$12,000	
Agnes Wong Nickerson (San Diego)	Vice President, Business & Financial Affairs, and Chief Financial Officer	San Diego County Regional Airport Authority	Audit committee member	24 hours	\$1,000	
Jamillah Moore (San Francisco)	Vice President, Student Affairs and Enrollment Management	Los Rios Community College District	Adjunct Faculty Member	52 hours	\$5,000	
Cynthia Teniente-Matson (San Jose)	President	Japan-U.S. Friendship Commission	Commissioner	30 hours	\$0	Any funds for service as Commissioner are diverted directly to SJSU Foundation.
Terrance Harris (San Luis Obispo)	Vice President, Strategic Enrollment Management	Diocese of Monterey	Coach	500 hours	\$4,000	
Denise Isom (San Luis Obispo)	Interim Vice President, Diversity and Inclusion and Chief Diversity Officer	UC Santa Barbara	Keynote Speaker	5 hours	\$1,000	
Jacob Yarrow (Sonoma)	Executive Director, Green Music Center	Center for Cultural Innovation	Make recommendations to advance Sonoma County arts and culture workers on programming activations with four areas: economic, space, education and health and wellness.	12 hours	\$750	
Jacob Yarrow (Sonoma)	Executive Director, Green Music Center	Kimzin Creative	Consulting services on the Sonoma County Artists Project, attend meetings, and make recommendations about program development	19 hours	\$1,000	
Jacob Yarrow (Sonoma)	Executive Director, Green Music Center	Association of Performing Arts Professionals	Consult, develop, and co-facilitate the Emerging Leaders Institute	12 hours	\$750	

*Senior management includes presidents, vice presidents, executive/vice chancellors and the chancellor.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Annual Report on Vice President Compensation and Executive Relocation

Presentation By

Mildred García
Chancellor

Albert A. Liddicoat
Interim Vice Chancellor
Human Resources

Summary

The chancellor is required to provide an annual report on vice presidential compensation actions, relocation costs for incoming executives, and executive transition programs. This annual reporting was adopted by the Board of Trustees in January 2008 (RBOT 01-08-01) in support of recommendations by the bureau of state audits (now known as the California State Auditor) that focused on strengthening guidelines and monitoring. Annual reporting has taken place since November 2008.

This agenda item will share with the board the annual report on vice presidential appointments and compensation (changes) and executive relocations; executive transition assignments are presented in item 4.

Vice President Compensation

Current policy requires the chancellor to review and approve recommendations for vice presidential compensation at the initial appointment and subsequently. Additionally, the chancellor is to provide an annual report on vice president compensation if a campus has made changes to their compensation. Attachment A shows vice president appointments and compensation actions reported during the period of September 1, 2023 – August 31, 2024.

As previously shared with the board, the chancellor authorized a 5% compensation pool for eligible non-represented employees (MPP and Confidential) for fiscal year 2024-2025. As a result, eligible vice presidents received a merit salary increase. These increases are not reflected in Attachment A.

Executive Relocation

A relocation program is offered to newly hired individuals who are required to relocate. Relocation for an executive is approved at the time the board approves the executive's compensation.

The annual report on executive relocation expenses follows. Relocations that remain in process will be reported in a future report.

Britt Rios-Ellis
President, Stanislaus State
Relocation of household goods and property: \$26,718
Relocation travel expenses: \$16,977
(RUF 03-24-05)

Mildred García
Chancellor
Relocation of household goods and property: \$66,935
(RUF 07-23-10)

Albert Liddicoat
Interim Vice Chancellor for Human Resources
Relocation travel expenses: \$2,165
(RUF 07-24-12)

Vice President Compensation Actions

Filled Vacancies (14)

Campus	Name	Title	Effective Date	Salary at Appt	Other Compensation
Channel Islands	Olin, Bradley	Vice President for Business and Financial Affairs	7/15/2024	\$303,000	
Chico	Cornick, Leslie	Provost & Vice President for Academic Affairs	1/31/2024	\$320,004	
Monterey Bay	Lawson, Andrew	Provost & Vice President for Academic Affairs	5/1/2024	\$307,008	
Pomona	Gomez, Terri	Provost & Vice President for Academic Affairs	5/31/2024	\$342,504	
Pomona	Teves, Frances	Vice President for University Advancement	4/1/2024	\$278,526	Auto Allowance \$500/mo. Non-Gen Fund
Sacramento	Mitchell, Aniesha	Vice President for Student Affairs	12/18/2023	\$270,000	
Sacramento	Reza, Michael	Vice President for University Advancement	9/16/2024	\$280,000	
San Bernardino	Dufault-Hunter, David	Vice President for Strategic Enrollment and Marketing	9/3/2024	\$249,996	
San Diego	Frazee, James	Vice President for Information Technology and Chief Information Officer	9/24/2024	\$325,000	
San Diego	Manning, Christopher	Vice President for Student Affairs and Campus Diversity and Chief Diversity Officer	2/29/2024	\$300,000	Auto Allowance \$750/mo. Housing Allowance \$2,500/mo. for 12 mos. Non-Gen Fund
San José	Fuentes-Martin, Maria	Vice President for Student Affairs	5/31/2024	\$295,008	Housing Allowance \$2,800/mo. for 3 mos. \$10,000 recruitment bonus Non-Gen Fund
San Luis Obispo	Baird-James, Allison	Senior Vice President for Administration & Finance/CFO	9/3/2024	\$344,208	Auto Allowance \$800/mo. Housing Allowance \$4,000/mo. for 24 mos. University membership to SLO Country Club \$15,120 value Non-Gen Fund
San Luis Obispo	Darin, Jessica	Vice President for Strategic Initiatives and Advocacy	7/1/2024	\$312,336	Housing Allowance \$3,500/mo. for 6 mos. Non-Gen Fund
Stanislaus	Joseph-Mathews, Sacha	Vice President and Chief Diversity, Equity, and Inclusion Officer	10/1/2023	\$196,800	

Other Changes (16)

Campus	Name	Title	Description of Change	Effective Date	New Salary or Amount Paid
San Francisco	Wilson, Jeffery	Vice President of Administration and Finance/Chief Financial Officer	Assumed additional responsibilities	3/11/2024	\$320,004
San José	Del Casino Jr., Vincent	Provost & Senior Vice President for Academic Affairs	Assumed additional responsibilities	11/1/2023	\$339,408
Stanislaus	Ogle, Richard	Provost & Vice President for Academic Affairs	Assumed additional responsibilities	7/1/2023	\$269,064
Bakersfield	Davis, Thom	Vice President & CFO, Business and Administrative Services	Equity Increase	5/1/2024	\$305,004
Chico	Brundage, Isaac	Vice President for Student Affairs	Equity Increase	5/1/2024	\$290,004
Long Beach	Apel, Scott	Vice President, Administration & Finance	Equity Increase	7/1/2024	\$318,624
Long Beach	Lesen, Beth	Vice President, Student Affairs	Equity Increase	7/1/2024	\$298,600
Long Beach	Montoya, Daniel	Vice President, University Relations & Development	Equity Increase	7/1/2024	\$302,400
Long Beach	Yao, Min	Vice President and CIO	Equity Increase	7/1/2024	\$295,000
Monterey Bay	Corpus, Ben	Vice President for Enrollment Management and Student Affairs	Equity Increase	7/1/2024	\$279,840
San Luis Obispo	Jackson-Elmoore, Cynthia	Provost and Executive Vice President for Academic Affairs	Equity Increase	6/1/2024	\$356,376
San Luis Obispo	Liddicoat, Al	Vice President, University Personnel and Chief Human Resources Officer	Temporary increase in responsibilities extended and additional assignment.	7/1/2023 - 12/31/2023	\$3,718/mo.
Chico	Boura, Ahmad	Vice President for University Advancement	MPP Merit Bonus Program – met goals for FY 2023/2024	7/1/2023 - 6/30/2024	\$42,909
Bakersfield	Davis, Thom	Vice President & CFO, Business and Administrative Services	Change to existing auto allowance Non-Gen Fund	5/1/2024	\$675/mo.
San Luis Obispo	Jackson-Elmoore, Cynthia	Provost and Executive Vice President for Academic Affairs	Change to existing auto allowance Non-Gen Fund	6/1/2024	\$800/mo.
San Luis Obispo	Jackson-Elmoore, Cynthia	Provost and Executive Vice President for Academic Affairs	University membership to SLO Country Club Non-Gen Fund	6/1/2024	Value \$15,120

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Annual Report on Executive Transition Assignments

Presentation By

Mildred García
Chancellor

Summary

In accordance with CSU's Transition II Program (revised on November 16, 2022), annually at the November meeting of the Board of Trustees, the chancellor is required to present the activities of each executive in a transition assignment as an information item on the discussion agenda of the Committee on University and Faculty Personnel.

Background

The CSU currently offers two executive transition programs: The Executive Consulting Program and the Transition II Program. The Executive Consulting Program offers an assignment of no more than six months at a salary of no more than 50% of the executive's base pay at time of resignation. At this time, no former executives are participating in this program.

To be eligible to participate in CSU's Transition II Program, an executive must have been appointed prior to March 22, 2022. In addition, the executive must have served for at least five years in an executive position at the CSU; they must be in good standing at the commencement and duration of the transition assignment; they must have previously identified a position at the CSU to return to upon completion of the transition program; and they must not have accepted employment outside of the CSU. At this time, President Emeritus Tom Jackson, Jr. is participating in the Transition II Program.

Annual Report

Currently, there is one executive participating in an executive transition program following the resignation from their presidency in 2024. Additionally, transition programs for two former executives concluded in 2024.

Participating in a transition program:

As reported to the board at the September 2024 meeting, President Emeritus Tom Jackson is collaborating on projects related to tribal engagement and intercollegiate athletics. He is also preparing to join the faculty at the conclusion of the transition period.

Dr. Tom Jackson, Jr.
President Emeritus, Cal Poly Humboldt
Transition Program: Transition II
Transition Period: August 12, 2024 – August 17, 2025
Salary: \$303,012

Transition programs ended:

Transition programs for President Emeritus Thomas Cropper and President Emeritus Framroze Virjee concluded in June 2024 and August 2024, respectively. Information on their assignments were presented to the board at the November 2023 meeting. During the transition period, President Emeritus Cropper and President Emeritus Virjee supported the transition of duties to new leadership at their respective campus. Their commitment to the CSU continued as they each advocated on behalf of the university through their relationships and engagements in the community. The emeriti presidents also provided input and consultation to the Chancellor's Office on systemwide policy related matters.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Presentation By

Albert A. Liddicoat
Interim Vice Chancellor
Human Resources

Hayley Schwartzkopf
Associate Vice Chancellor
Civil Rights Programming and Services

Summary

In furtherance of the commitment to the CSU's transformation of its civil rights programming and services, this report provides the status and progress of the critical civil rights work being undertaken at the Chancellor's Office and across the CSU.

California State Student Association Plenary

On October 19–20, 2024, the California State Student Association (CSSA) held a plenary session at Cal State Monterey Bay. The Office for Civil Rights Programming and Services at the Chancellor's Office was invited to partner and engage with student leaders across the CSU system about the visibility of civil rights work on their individual campuses. It was an opportunity for the Chancellor's Office to determine how the process changes being implemented across the CSU are visible and impactful on campus to our students. Student leaders were asked to gather information in four different topic areas for discussion and reflection. It was refreshing to hear from students about the work of Civil Rights Offices at the university level, about engagement and visibility of Title IX Coordinators and DHR Administrators, and about the prevention education and awareness programming that was underway.

Student leaders also reflected on the work of university campuses with respect to their implementation plans. Our student leaders also presented excellent feedback for additional areas of improvement, including moving up the deadline to complete student training earlier in the semester so new students are aware of resources at the earliest opportunity, a desire to have dedicated respondent's advocates on each campus, and how to best identify the Title IX Coordinator / DHR Administrator on campus.

AMENDED

U&FP

Agenda Item 5

November 20–21, 2024

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Prevention Education & Awareness Events

As part of our effort to increase the visibility of our civil rights work, the CSU put a spotlight on various university events held in October in support of Domestic Violence Awareness Month. These events were designed to draw awareness to the issue of interpersonal violence, and also to inform university community members of the resources available if they or someone they know needs support. The events were organized and produced by numerous university offices including Civil Rights Offices; Survivor Advocacy Services; counseling and psychological services; and university women's centers. This month's report will include highlights from events at Cal State Fullerton, CSU San Marcos, San Diego State, San José State, and Stanislaus State.

Other Conduct of Concern

Since presentation to the Board of Trustees in May 2024, the Chancellor's Office has established a new vision for how to address unprofessional behaviors that disrupt the living, learning, and working environment of the CSU (referred to as "Other Conduct of Concern"). Between May and October 2024, the Chancellor's Office heard feedback from a wide variety of stakeholders across the CSU community, including the Academic Senate (Plenary), Faculty Affairs Committee, California Faculty Association, Associate Vice Presidents of Human Resources, Associate Vice Presidents of Faculty Affairs, Chief Business Officers, Senior Diversity Officers, Civil Rights Offices, Labor Managers, and University leadership.

Based on the feedback received, the Chancellor's Office reconceptualized the guidance. The revised guidance has a people-centric focus, a tighter definition of OCC, clear expectations as to what students, faculty, staff, administrators, leadership, and volunteers can expect in response to behaviors that do not violate policy but are nevertheless disruptive, and the core standards that must be embedded in all CSU campus responses to OCC.

DRAFT

OTHER CONDUCT OF CONCERN: SYSTEMWIDE GUIDANCE

SYSTEMWIDE HUMAN RESOURCES

562-951-4455 Vice Chancellor Office

Systemwide Human Resources | 401 Golden Shore, Long Beach CA 90802



DRAFT

CSU'S COMMITMENT TO ADDRESSING OTHER CONDUCT OF CONCERN

As the nation's largest and most diverse four-year public university, the California State University's (CSU) mission is to provide students with access to quality education that empowers them to become leaders in the changing workforce and to contribute to the public good. CSU's mission is to create an inclusive, supportive and caring environment where concerns are addressed promptly and fairly.

In 2022, following concerns about how CSU handled Title IX and Nondiscrimination Policy violations, the Chancellor's Office (CO) partnered with the Cozen O'Connor Institutional Response Group to conduct a systemwide review. This review involved visits to the CO and the CSU's 23 universities, extensive interviews, surveys and feedback from the CSU community. The systemwide and individual university reports revealed that disruptive behavior(s) were not fully addressed in all cases. Cozen O'Connor recommended establishing processes for addressing these behaviors, which they referred to as "Other Conduct of Concern (OCC)."

Simultaneously, an audit by the California Joint Legislative Audit Committee (JLAC) revealed inconsistent handling of sexual harassment complaints and other disruptive conduct systemwide. In some cases, disruptive behaviors did not result in corrective action, even when they harmed the workplace or academic environment. JLAC requested that CSU establish policies and procedures by January 2025 to address such matters.

OCC refers to behaviors that do not violate CSU policies or local, state, or federal laws and are therefore not subject to disciplinary action but nevertheless disrupt CSU's learning, living, or working environments and hinder students, employees, and other community members from thriving. OCC may include behaviors considered abusive under California law.¹ Examples of OCC include:

- Verbal abuse
- Intimidating behavior
- Microaggressions that are not persistent, pervasive, or severe
- Bullying
- Hostile language
- Acts of bias, intolerance, or harassment that do not violate CSU's Nondiscrimination Policy

If OCC behaviors are found to violate CSU policy or warrant discipline, the matter must be referred to the appropriate university office to be addressed through the disciplinary process.²

Addressing OCC has always been a core responsibility of supervisors and authorities in higher education. By formalizing guidelines and core expectations for how OCC is addressed across all of its universities, the CSU strengthens our commitment to ensuring all community members have the opportunity to succeed personally and professionally. This guidance also adheres with the US Office of Civil Rights Guidance on Race and National Origin, instructing universities to maintain non-discriminatory environments while protecting free speech rights.³

¹ Cal. Gov't Code § 12950.1(h)(2) (West 2024).

² Education Code section 89535 identifies grounds for formal discipline, which is defined as dismissal, demotion, or suspension.

³ U.S. Department of Education, Office for Civil Rights. (2024, May 7). *Dear colleague letter: Protecting students from discrimination based on shared ancestry or ethnic characteristics* (Publication No. ED-202405).

DRAFT

OCC GUIDANCE: NOVEMBER 2024 | 2

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PRINCIPLES OF THE CSU'S GUIDANCE ON OTHER CONDUCT OF CONCERN

- In alignment with CSU's commitment to equity, inclusion and accountability, the CSU will address reports of OCC, regardless of race, gender, age, sexual orientation, disability, religion or any other protected characteristic. Reports will be taken seriously, and appropriate follow-up will be conducted to ensure that all individuals are treated fairly.
- All members of the CSU community are expected to communicate with sensitivity and care. Individuals are responsible for their words and actions and should be mindful of how their behavior impacts others.
- Disruptive behaviors do not have to violate formal policies to require attention; even minor inappropriate actions and behaviors can negatively impact work and learning environments.
- This guidance does not establish new standards of conduct. Behaviors considered to be OCC are identified as inappropriate in existing CSU policies, practices and expectations. The guidance clarifies and affirms core expectations, processes and structures for addressing such behaviors.
- Any member of the CSU community, including senior leaders, managers, staff, faculty, students and volunteers, can report OCC. Individuals who experience or witness OCC are encouraged to promptly discuss their experience with a supervisor, professional in student affairs, faculty affairs, human resources, or any administrator identified by their university with this responsibility.
- Those who report OCC should be treated with care and provided with appropriate support. Supportive arrangements should be reasonable, temporary and responsive, ensuring a respectful environment is maintained while the OCC is addressed.
- How OCC is addressed will depend on the nature of the behavior(s). Potential outcomes could include education, counseling, coaching, mentoring, training and restorative processes.
- CSU will not discipline individuals for engaging in legally protected activities provided they comply with university policies, including any applicable CSU Time, Place and Manner policies. However, the impact of such actions on the community will not be ignored and should be addressed through non-disciplinary measures.
- CSU is committed to ensuring that all members of its community, including those in leadership and upper management roles, are held to the same standards of conduct. Any instance of OCC involving senior administrators, deans, vice presidents or other executive leaders will be addressed with the same level of seriousness and scrutiny as any other member of the CSU community.
- The CSU will continue to offer training to supervisors and academic leaders on management and communication to ensure personnel are equipped to address conflict and possess knowledge of resources at their university who can assist with more complicated instances of OCC.

INFORMATION FOR THE CSU COMMUNITY

Responsibility for addressing Other Conduct of Concern (OCC) depends on each university's structure, administrative roles, and the nature of the issue. University leadership designates who is responsible for reviewing and addressing OCC and will ensure employees and students are informed about how to report concerns.

- **Students:** Should report to a dean (if the behavior(s) occurred in class), a resident advisor (for residence hall incidents), or other student affairs professionals.
- **Staff and faculty:** Should report OCC to their supervisor, Human Resources, Faculty Affairs or other designated administrator identified by their university.
- **Senior leaders** Should report OCC that cannot be addressed by a neutral party at their university to the Vice Chancellor of Human Resources.
- **Volunteers or visitors:** Should report OCC to Human Resources or Faculty Affairs.

After reporting Other Conduct of Concern (OCC), employees and students (reporting party) can expect the following actions:

- **Acknowledgment.** The report will be acknowledged promptly and with sensitivity and care, and the reporting party will be informed of the next steps.
- **Initial review.** A supervisor or administrator will assess the reported behavior(s) and determine if immediate action or referral is needed. They will also determine who should address the behavior(s).
- **Confidentiality and support.** Confidentiality will be maintained to the extent possible throughout the process. The reporting party will be informed about available support services such as employee assistance programs (EAPs), student counseling, or temporary arrangements to ensure a safe and supportive environment. The reporting party will be informed when the report is addressed, but it may not be appropriate or permissible to share the outcome due to confidentiality requirements.
- **Factfinding.** Depending on the situation and where a supervisor cannot address the behavior, an objective factfinder may be assigned to conduct interviews and gather information. This may involve speaking with the reporting party, respondent and witnesses to evaluate the situation impartially. Factfinding may not be necessary if there is no dispute over facts.
- **Communication and expectation setting.** Regular communication with the reporting party will be maintained. The reporting party will be informed of confidentiality standards and will be updated as the OCC is addressed. All parties will be informed when the issue is addressed, though specific outcomes will not be disclosed. Individuals will also be reminded that retaliation for reporting OCC or participating in activities addressed in this guidance is prohibited.
- **Action.** A supervisor, student affairs professional or administrator will recommend appropriate corrective action, such as training, mediation or restorative processes. Supervisors will continue monitoring the environment to prevent any recurrence of the behavior.
- **Follow-up:** The reporting party will be informed that the issue has been addressed, and the working or learning environment will be monitored to ensure that it does not recur.

PROCESSES AND PROCEDURES FOR SUPERVISORS AND ADMINISTRATORS

Actions taken to address Other Conduct of Concern will depend on the specific instance of OCC, the administrative structures of each university, and the individuals involved. This guidance outlines 14 actions administrators may take in addressing OCC. Nine of these actions are expected in all instances of OCC; five are applicable in more complicated instances.

Note: Instances of OCC identified during investigations led by Title IX and DHR will be referred to an appropriate university resource. If, at any point during the OCC process, behaviors are found to violate policy, they must be referred to Human Resources, Faculty Affairs or Student Affairs to be addressed. Procedures for responding to OCC are outlined after this section of the guidance.

Core expectations and recommended actions in addressing OCC are as follows:

IN ALL INSTANCES OF OCC, CSU UNIVERSITIES WILL:

- **Acknowledge the concern:** With sensitivity and concern for the student or employee, and as soon as possible, the supervisor or professional should schedule a meeting with the reporting individual to discuss supportive measures and learn all relevant details.
- **Assess the report.** Initial considerations may include:

Could the behavior(s) pose imminent harm to community members?

If so, adhere to campus safety protocols or call 911 immediately.

Do the behaviors potentially violate systemwide or university policy?

If the behavior(s) potentially violates a university policy or law or otherwise could lead to disciplinary action, should be directed to the appropriate university office, such as Human Resources, Faculty Affairs, Civil Rights (Title IX, Nondiscrimination, DHR) or Student Affairs. If the behavior represents a potential violation of the [Student Conduct Code](#), refer the report to the appropriate office (see below). If the reported behavior might violate CSU's Nondiscrimination Policy, the person receiving the report must quickly contact the university office responsible for handling Discrimination, Harassment, and Retaliation (DHR) cases. The Title IX Coordinator and DHR Administrator will assess whether the reported actions, if proven true, would violate CSU's Nondiscrimination Policy. If, during the evaluation process, it is found the behavior(s) are not based on a protected status or were not "persistent, pervasive or severe" enough to be considered a violation of the Nondiscrimination Policy, the concern will—with sensitivity and care—be referred back to the initiating individual or appropriate office to address the OCC. In cases where some of the behavior may violate the Nondiscrimination Policy and other parts are considered OCC, the Title IX Coordinator and DHR Administrator will work collaboratively to ensure a complete and appropriate response to all issues raised. Referrals and coordinated responses should be memorialized.

Is the behavior(s) protected by principles of free speech or academic freedom?

If yes, consult with General Counsel before taking next steps.

If the OCC involves a student, is that student acting in their capacity as a student or as a student worker employed by the university?

If the student involved is acting in their capacity as a student, refer to Student Affairs. If the student is acting in their capacity as a student worker employed by the university, refer to Human Resources.

Who is best positioned to address the behavior(s) and provide support?

Supervisors with the most direct contact with employees and student affairs professionals trained to support students should address concerns wherever possible. If all information is known, OCC can be addressed without factfinding or additional university partners. In such cases, supervisors (for employees) may address the behavior as part of regular performance management processes and in alignment with any applicable CBAs. Human Resources and Student Affairs professionals will follow university process in supporting students. If additional input is needed, other university resources may be engaged. Complex instances of OCC may require collaboration with university partners—especially where multiple CSU populations (students, faculty, staff, leadership, volunteers and guests) are involved.

- **Provide support:** Support is intended to ensure the well-being of all individuals impacted by OCC. Examples of such forms of support include:
 - Separating the involved parties, if necessary, to maintain a safe and neutral environment.
 - Temporary reassignment of duties.
 - Implementing temporary modifications to working, learning or living arrangements as needed.
 - Facilitating open communication between all parties, led by supervisors, Human Resources, Faculty or Student Affairs, to ensure normal operations continue while the matter is addressed.
 - Providing information on accessing mental health support and the university's Employee Assistance Program (EAP.)

Support should be reassessed periodically to determine effectiveness, whether additional actions or adjustments are required, and when they may be concluded. Support provided should be documented in writing by the supervisor or administrator.

IF RELEVANT TO THE SPECIFIC INSTANCE OF OCC, IT MAY BE NECESSARY TO:

- **Identify university partners.** Refer cases involving potential violations of Title IX or the [Nondiscrimination Policy](#) to the appropriate office. Engage partners such as professionals in Civil Rights, Student or Faculty Affairs and Human Resources as needed. Collaborative approaches will be necessary where for example:
 - The individuals involved are from different community populations (i.e., students, student workers, faculty, staff, administration, senior leadership, volunteers and the public);
 - OCC is discovered during other university investigations (such as by Title IX, DHR, or Audit).

IN INSTANCES WHERE FACTFINDING IS NECESSARY:

- **Identify a factfinder.** The factfinder should be an objective, knowledgeable and trained third party, have no prior involvement in the reported conduct, and be equipped to conduct a thorough, unbiased process.
- **Address confidentiality.** Remind all involved parties of the importance of maintaining confidentiality to the extent possible throughout the process. In addition, remind all parties that information regarding the report, factfinding process, and any findings will only be shared with individuals directly involved in handling or resolving the case, such as HR personnel, factfinders or student services professionals. Bystanders and witnesses may, however, be interviewed if additional relevant information is necessary.
- **Conduct factfinding.** Factfinding is typically initiated when more information is needed, there are conflicting accounts of what occurred, or the behavior(s) involves multiple CSU populations, or when bystanders and witnesses have first-hand knowledge of the reported OCC. In these cases, interviews with the reporting individual, the person engaged in the behavior(s), and any witnesses or bystanders will be necessary. Be respectful and impartial in questioning, ensuring each individual's perspective is heard.

If, in the process of conducting factfinding, violations of policy are discovered, those findings will be reported to the appropriate university office or individual to be addressed through disciplinary

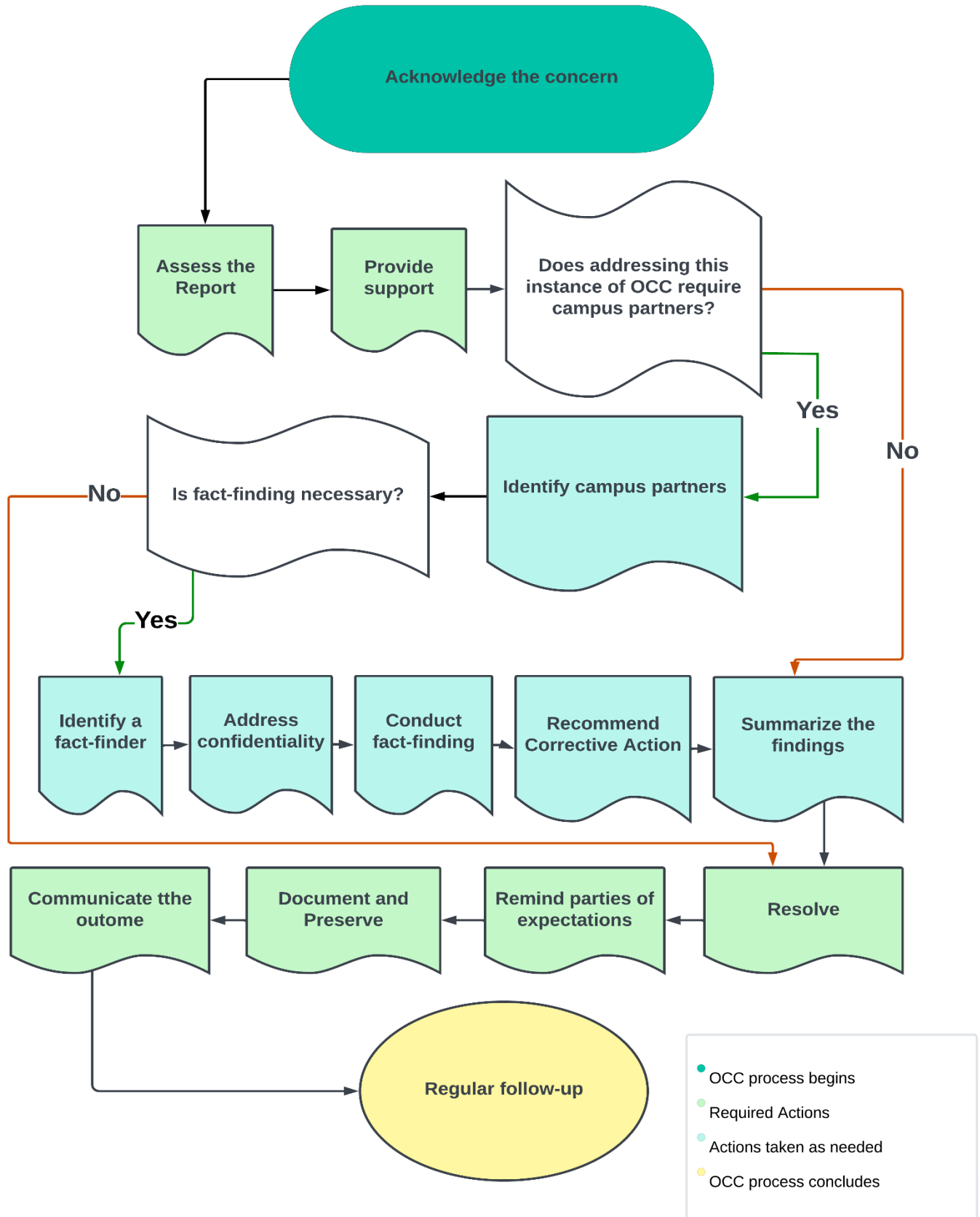
procedures in alignment with any applicable collective bargaining agreements. Common violations that may be revealed during inquiries into OCC include CSU's Nondiscrimination Policy, Time, Place, and Manner Policy, California [Education Code 89535\(b\)](#), the relevant [Collective Bargaining Agreements](#), the [Student Conduct Code](#).

- **Recommend corrective actions.** Actions may include coaching or training to enhance communication or workplace behavior(s) and facilitated discussions to address conflicts and repair relationships. In some instances, a restorative process may be appropriate, depending on the nature of the OCC. These processes are facilitated by a supervisor or a professional trained in conflict resolution and are voluntary for all parties involved.
- **Summarize the findings.** A final summary report should include all relevant evidence, testimonies and an evaluation of whether the conduct qualifies as OCC.

ALL INSTANCES OF OCC WILL CONCLUDE WITH THE FOLLOWING ACTIONS:

- **Address.** Determine the appropriate outcome (considering conversation, training, mediation or restorative processes).
- **Remind parties of expectations.** All All parties are expected to continue working, living and learning without disrupting the university community and causing further harm to the reporting party.
- **Document and preserve.** OCC addressed through factfinding may be documented in an annual performance evaluation or as determined by Student Affairs. OCC that involves factfinding or collaboration between offices should be documented more comprehensively. Communications and correspondence should be retained according to each university's policies, practices and relevant Collective Bargaining Agreements. The level of detail in documenting incidents will vary based on the scale and scope of the behavior(s). Documentation in more complex instances of OCC will typically include summaries of the initial report and a summary review describing communications with all parties, the parties' positions, the evidence considered, findings and the outcome.
- **Communicate the outcome.** After an outcome has been determined, all parties should be notified that the matter has been concluded. This communication ensures that individuals understand that the university has taken appropriate action to address the report.
- **Regular follow-up.** Ensure corrective actions lead to meaningful behavioral improvements. Regularly check in with the involved parties and offer additional resources as needed. After the instance has been addressed, supervisors, student affairs professionals and administrators should continue monitoring the environment—in the workplace, classroom, or dormitory—to prevent recurrence.

Based on the nuances of each instance, there are several ways to address OCC.



RESPONSIBILITIES OF EACH CSU

Each university is responsible for informing their communities of this guidance and providing information about how to report OCC. Such information should be prominently available on a website and include contact information for offices and individuals charged with responding to OCC. Universities are also responsible for:

- **Promoting awareness and education:** Awareness campaigns about OCC through communications, websites, and other media ensure students, faculty and staff understand how to report concerns and what to expect during the process.
- **Educational initiatives** regarding university and satellite campus efforts are essential for maintaining a culture of respect and professionalism. Prevention efforts may include training on subjects such as:
 - Understanding and applying policies and procedures governing workplace behavior(s).
 - Supervising and management.
 - Recognizing and reducing implicit bias.
 - Healthy relationships.
 - Effective communication.
 - Effective conflict resolution.
 - Effective performance management.
 - Having difficult conversations.
- **Encouraging feedback.** Create opportunities for the university community to provide input on the OCC process.
- **Monitoring trends and continuous improvement.** Regularly review university reports and data to identify trends in behavior and enhance processes. Data collection methods, such as supervisor surveys and skill assessments, can inform improvements in university culture and help address recurring issues. Share insights with university and systemwide leadership to address potential concerns proactively.
- **Assessing success.** All universities are encouraged to evaluate success in improving the climate and culture of their communities. Cultural change can be measured via several methods, including:
 - **Surveys and feedback:** Climate surveys, exit interviews and focus groups can help track perceptions of inclusion, respect, and overall university satisfaction over time.
 - **Diversity metrics:** Changes in student enrollment, faculty hiring, and leadership diversity, along with retention and graduation rates for underrepresented groups, can indicate greater inclusion and improved satisfaction and well-being within the university community.
 - **Behavioral indicators:** Tracking OCC reports will gauge cultural initiatives' effectiveness. Behavioral indicators can be measured through competency assessments, which are described in the next section. They may be used to measure and improve behaviors around skills such as communication skills, conflict management, performance management, inclusive behavior, etc.

- **Peer comparisons:** Benchmark cultural indicators, such as employee and student satisfaction, engagement, awareness of resources, and perceptions of leadership, against peer institutions to identify strengths and areas for improvement.

Additional initiatives universities may consider include:

- Establishing a **central reporting hotline**.
- **Recognition programs** to reward individuals, programs and units that exemplify positive cultures or show significant improvements in culture (may be subject to bargaining).
- **Competency assessments.** In 2021, the CSU identified a standard set of competencies for universities to utilize for their specific needs and culture. These core competencies are intended to:
 - Align competencies with each university's organizational strategy, culture and vision to increase employee engagement and motivation.
 - Map training and professional development activities to competencies to ensure these opportunities are cost-effective, goal-oriented and productive.
 - Define the competencies required for each role to identify the workforce's skill gaps.

By measuring improvement across seven competencies with CSU's Systemwide Learning and Development, universities may track progress in the administrative skills necessary to facilitate cultural change. CSU's core and leadership competencies include:

- **Inclusiveness:** Employees should promote the engagement, development and equitable treatment of all staff; demonstrate awareness of and respect for individual differences; support, through action and example, equal treatment and opportunity for all; actively engage in the rich background and diverse talents of staff to propel the organization forward; speak out against words or actions that are insensitive or inconsistent with the organization's mission and values.
- **Integrity:** Employees should act professionally and calmly when interacting with others; treat all with dignity, respect and fairness; honor commitments to others and model and maintain high ethical standards; earn trust by consistently aligning words and actions.
- **Communication.** Employees should communicate effectively with all audiences, both verbally and in writing; actively listen to others and incorporate new knowledge or perspectives into thinking; ensure that others have access to the information needed to work effectively; encourage open exchange of ideas and different points of view; communicate the truth with empathy, even when it is challenging or uncomfortable; solicit and value honest input.
- **Accountability.** Employees should plan and prioritize work to meet deadlines and outcomes; provide clear direction and delegate as needed; communicate roles, expectations and timelines; monitor work to ensure goals and deadlines are consistently met; execute work to quality standards.
- **Mission orientation.** Managers should develop priorities for areas of responsibility and formulate and implement effective strategies aligned with the organization's mission, values and priorities; demonstrate a personal commitment to student success and the organization.
- **Strategic thinking and alignment.** Managers should understand market, industry and environmental trends; address issues to create or sustain competitive advantage; uncover new opportunities to

create value and leverage the organization's strengths; anticipate change and develop long-term plans.

- **Team building.** Managers should create an environment where people feel cared for and valued; foster collaboration and team effectiveness; work cooperatively and effectively with others; and build a group identity characterized by pride, trust and commitment.

RELEVANT CSU POLICIES

To maintain an inclusive and positive environment where students and employees thrive, and by federal and state law, CSU prohibits discrimination, harassment, and retaliation based on a person's protected status:

- [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation \(Nondiscrimination Policy\)](#)
- [Complaint Procedures for Allegations of Retaliation for Having Made a Protected Disclosure under the California Whistleblower Protection Act](#)
- [Interim Systemwide Time, Place, and Manner Policy](#)
- [CSU's Student Conduct Code](#)

OTHER RESOURCES

- [Cal. Education Code section 89535](#)
- [Collective Bargaining Agreements](#)
- [Title 5, Cal. Code Regs., Section 42723 \(a\)](#)

