

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2163 (Low) – As Introduced February 17, 2016

**SUBJECT:** California State University: appointment of campus presidents

**SUMMARY:** Would prohibit the California State University (CSU) Board of Trustees (Trustees) from appointing a campus president unless that person has participated in at least one public forum on that campus after being formally and publicly designated by the Trustees as a finalist for appointment as president of that campus.

**EXISTING LAW:** Provides that the CSU Trustees are responsible for the government of their appointees and employees, including appointment, terms, duties, pay and overtime, travel expenses and allowances, housing and lodging rates, benefits, among other items.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Background.* The Policy for the Selection of Presidents was adopted by the Trustees in September of 2011 and provides that the Trustees, in partnership with the CSU Chancellor, are responsible for the recruitment, selection and appointment of CSU campus presidents. The policy indicates that "there is a deep commitment throughout the process to the principles of consultation with campus and community representatives and diversity."

The Policy requires all of the following:

- 1) The Chair of the Trustees appoints a Trustee Committee for Selection of the President (TCSP) for any campus with an impending vacancy. The TCSP is composed of the Chair of the Trustees, four Trustees, and the Chancellor. The Chair designates a Trustee as chair of the TCSP.
- 2) The TCSP, among other duties, identifies job responsibilities and interviews candidates. Although the TCSP is the ultimate body to make the final decisions, including the advancement of candidates to the full Board, the process is to be conducted in a manner that includes the campus representatives.
- 3) The Chair of the Trustees appoints an advisory group to the TCSP, known as the Advisory Committee to the Committee for the Selection of the President (ACTCSP). The ACTCSP is composed of:
  - a) Chair of the campus Academic Senate;
  - b) Two faculty representatives selected by the campus faculty;
  - c) One member of the campus support staff selected by the staff;
  - d) One member of the campus Advisory Board selected by that board;
  - e) One alumnus/alumna of the campus selected by the campus Alumni Association;

- f) One Vice President or academic Dean from the campus; and,
  - g) The president of another CSU campus selected by the Chancellor.
  - h) The Chair of the Board or the Chancellor may appoint up to two additional members from constituent groups to the ACTCSP "to strengthen its capacity to cope with the complex requirements of a specific search, including diversity of the campus, the service area or the state."
- 4) ACTSCP provides advice and consultation regarding the position and campus descriptions. ACTCSP members may also suggest potential candidates. The ACTCSP reviews and comments on all candidate applications, participates in candidate interviews and the deliberations that lead to the selection of the final candidate(s).
  - 5) The process requires strict confidentiality among the TCSP and the ACTCSP. The Chair may dismiss a member of the TCSP or ACTCSP for violating confidentiality requirements.
  - 6) The TCSP meets initially, together with the ACTCSP, to discuss the needs of the campus and the desired attributes of a new President. The policy specifies that the "committees also receive information from the campus and the community on these subjects."
  - 7) After reviewing applicants and conducting interviews, the Chancellor and the Chair of TCSP determine whether to schedule campus visits, which are optional, or to schedule campus visits on a modified basis, depending on the circumstances of the search.
  - 8) The Trustees will normally confine itself to the names presented by the TCSP, but reserves the right to depart from the recommended candidate(s) or from the procedures in the policy.

*Purpose of this bill.* According to the author, "currently, the selection process is confidential until the candidate for the position has already been announced, leaving no opportunity for a public forum. While the CSU has a policy in place for president and chancellor searches, it is neither transparent nor inclusive of the campus community. In the past several years, CSU Channel Islands, Chico, Sacramento, San Jose, Sonoma, Stanislaus and Humboldt have all conducted a president search. According to their campus websites, they held public forums at the beginning of the search to establish the search committee and solicit feedback, but never held public forums with the finalists. The CSU is the largest public university system in the country, and there is an urgent need for a more open and transparent selection process. An open selection process will allow for the involvement and participation of the CSU community, which includes students, parents, faculty and staff."

*Arguments in support.* According to the California Faculty Association (CFA), this bill will require the names of a finalist for the position of a campus president be made public and will require a finalist to participate in a public, campus-based forum. According to CFA, "the CSU is at a critical juncture and is in the midst of economic pressures from years of decreased funding and a growing student population. An open selection process will allow for the involvement and participation of the CSU community, which includes students, parents, faculty and staff. "

*Arguments in opposition.* According to CSU, the current Trustees process aims to uphold the role of the campus community and final authority of the Trustees in selecting a president. The policy also respects the professional needs of candidates to ensure the broadest and most exemplary leaders would be comfortable in being part of the search process. According to CSU, the existing policy ensures that all campus stakeholders have a role in review and selection of candidates. According to CSU, "beyond the campus itself, the two biggest criteria that come into play when developing a final pool of candidates is the ability to go through the process confidentially and executive compensation." By eliminating the confidentiality that candidates are currently afforded during the process, CSU believes this bill would negatively impact the applicant pool and that CSU would miss the opportunity to attract the best candidates.

*Scope of proposal.* While not prohibited, this bill, as currently drafted, does not require the submission of multiple names to the public/campus. An interpretation of this bill could be that only the finalist name is provided publically prior to selection by the Trustees. For example, compliance with the public disclosure of the candidate could be achieved by CSU indicating the candidate name on the meeting agenda for the meeting where the appointment of that candidate will be made. Trustees meeting agendas are released 10-days in advance of meetings. The candidate would then have 10-days to hold a public forum at the CSU campus. A narrow interpretation of this bill may alleviate some of the concerns surrounding the willingness of highly qualified candidates to apply and submit to the open forum process.

*Prior CSU policy.* Under the CSU policy prior to 2011, the Chancellor, working with the ACTCSP and the chair of the TCSP, was required to determine nature of campus visits by the final slate of candidates. The purpose of the campus visit was to encourage candidates to remain interested in pursuing the presidency by engaging in ideas with campus constituents groups and through promotion of the campus and the community. While the campus visits were not designed to be used for formal evaluation of candidates, every effort was supposed to be made to shape the visit so that it generated a foundation for the new president's success on campus. The slate of final candidates who visit the campus was required to be announced in advance of their visits.

According to communication from the CSU Trustees to the CSU campus community, the 2011 changes to the policy "protects internal candidates, while also increasing the available pool of external candidates, by making the public campus visits optional. Too often we have seen candidates, particularly current presidents of other universities, withdraw from consideration because of the high profile nature of campus visits. It is important to understand that we are not recommending the elimination of campus visits. The presidential selection committee may choose to conduct campus visits publicly or in a modified manner, whichever is in the best interest of the campus." Committee staff understands that since the policy change in 2011 campus visits have been rarely conducted.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Faculty Association (Sponsor)  
California Labor Federation  
California State University Employees Union  
SEIU California

**Opposition**

California State University

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