

Date of Hearing: April 2, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2516 (Santiago) – As Introduced February 13, 2024

**SUBJECT:** Trustees of the California State University: bargaining unit representative

**SUMMARY:** Adds a bargaining unit representative selected for a 2-year term by the California State University Labor Council to the California State University (CSU) Board of Trustees (BOT).

**EXISTING LAW:**

- 1) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees, through the BOT, the power, duties, and functions with respect to the management, administration, and control of the CSU system (Education Code (EDC) Sections 66606 and 89000 et. seq.).
- 2) Establishes the membership of the BOT to include 25 voting members as follows:
  - a) Five ex-officio members including the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University;
  - b) A representative of the California State University alumni associations, who is appointed to serve a two-year term by the alumni council and is not employed by the California State University while on the board;
  - c) Sixteen members of the public, who are appointed by the Governor and confirmed by two-thirds of the California State Senate for an eight-year term;
  - d) Two students, who are at least sophomores and attend a campus of the CSU, are appointed by the Governor from a list of two to five names provided by the California State Student Association (CSSA); and,
    - i) One student representative is appointed for a two-year term beginning on July 1 of an even number year and ending on June 30 two years later. The second student representative is appointed to a two-year term beginning on July 1 of an odd number year and ending on June 30 two years later; and,
    - ii) Students appointed will have their tuition fee waived for the duration of their term of office on the BOT.
  - e) One tenured faculty member from the CSU is appointed by the Governor to serve on the board for two years. The Governor selects the faculty member from a list of names provided by the systemwide Academic Senate of the CSU.
    - i) The faculty member is not permitted to participate on any subcommittee of the BOT which is responsible for collective bargaining negotiations; and,

- ii) The appointed faculty member will begin their two-year term on July 1 and if the Governor has not appointed a successor by the end of the term, the faculty member may remain on the BOT for one additional year or until the Governor appoints a successor; whichever occurs first. (EDC Section 66602)

**FISCAL EFFECT:** Unknown

**COMMENTS:** Purpose. According to the author, ““The CSU Board of Trustees is responsible for the oversight of the CSU and has authority over curricular development, use of property, development of facilities, and fiscal and human resources management. Thousands of CSU employees are members of a bargaining unit but fail to see representation on the CSU Board of Trustees. AB 2516 will add an appointed trustee to provide essential insights and perspectives on the working conditions, challenges, and needs of the faculty and staff.”

*California State University and the Board of Trustees.* Originally established in 1875 as a college for teachers in San Francisco, the CSU has since expanded to include 23 campuses who enroll over 450,000 students. The CSU provides nearly half of the bachelor degrees in the state and has an alumni base of over three million students and counting. To oversee the nation’s largest four year public university, the State established the Board of Trustees (BOT).

The BOT is endowed with the authority to adopt regulations and policies pertaining to the overall operations of the CSU including educational policy decisions, budgeting, and campus planning. The membership of the board is comprised of 25 members each with term limits and voting privileges, who are selected and appointed through various manners.

<i>Member</i>	<i>Term Limit</i>	<i>How the Trustee is chosen to serve:</i>
Five ex officio members (Governor, Lieutenant Governor, Superintendent of Public Instruction, Speaker of the Assembly, and Chancellor of the CSU)	Term of their elected or appointed office.	<p>The Governor, Lieutenant Governor, and Superintendent of Public Instruction, are elected in a statewide election and are immediately appointed to the Board.</p> <p>The Speaker of the Assembly is an elected official in the California State Assembly who is selected by their peers to lead the State Assembly.</p> <p>The Chancellor of the CSU is appointed by the BOT after an exhaustive nationwide search and is immediately appointed as a member of the BOT.</p>
Two student members who attend a CSU campus and are at least in their sophomore year (or have taken at least 30 units).	Each are appointed for two-year terms that are staggered so that one student begins their term on July 1 in an odd numbered year and the other student’s term begins the following	Appointed by the Governor from list of at least two to five students provided by CSSA.

	year (even numbered year) on July 1. Both students’ terms end on June 30 after two years (one in an odd numbered year and one in an even numbered year).	
16 members of the public	One eight–year term	When their term expires, the Governor will appoint a member of the public to replace the outgoing member of the board and the new appointee is approved by 2/3 of the Senate.
One tenured faculty member	One two – year term. The faculty trustee is permitted to remain on the BOT past the expiration of their term for one year if the Governor has not appointed a replacement.	Appointed by the Governor from a list of faculty provided by the systemwide CSU Academic Senate.
An alumni of the CSU system	One two – year term.	Appointed by the Alumni Council of CSU and the appointee may not be employed by the CSU during their tenure on the board.

*Arguments in support.* The California Faculty Association wrote that “the inclusion of a bargaining unit representative selected by the California State University Labor Council for a two-year term on the [BOT] is a critical step towards ensuring that the voices of those directly involved in the day-to-day operation and success of our universities are heard at the highest levels of decision-making. This representative will provide essential insights and perspectives on the working conditions, challenges, and needs of the faculty and staff who are the backbone of our institutions.”

“The California Faculty Association believes that the strength and effectiveness of the CSU governance structure are greatly enhanced when it reflects the diverse constituencies that it serves. Furthermore, the addition of a bargaining unit representative will facilitate better communication and collaboration between the university's administration and its employees, fostering a more inclusive and constructive environment for addressing the challenges facing higher education today.”

*Arguments in opposition.* The CSU Office of the Chancellor wrote that “the CSU recognizes the value of CSU employees and the important role they play across our 23 universities. Further, the CSU shares the author’s goal of ensuring that CSU employees have an opportunity to express their voice to the [BOT]. To that point, all CSU employees have the means and opportunity to participate in [BOT] meetings via written, in-person, and virtual public comment. The CSU

[BOT] welcomes input from all staff and strongly believes their voice is currently present and heard by the full Board.”

“If the motivation for the bill is to provide CSU employees with more engagement in the collective bargaining process at the Board-level, the appropriate place to address issues unique to a particular labor partner is through the established collective bargaining process. For example, earlier this year the CSU and our labor partners were able to agree to terms on the expansion of paid parental leave and the creation of a salary step structure. These concerns were raised to the Board through the Committee on Collective Bargaining. Bargaining unit members’ concerns and needs were heard and successfully addressed through the collective bargaining process and adopted in the labor agreement.”

*Committee Staff notes that, unlike faculty members appointed to the BOT, the bargaining unit representative would be allowed to sit on any subcommittee of the board responsible for collective bargaining negotiations. The Committee may wish to consider if this would constitute a conflict of interest.*

*The Committee may wish to consider the implications of a continued expansion of the BOT. AB 2070 (Cervantes), also pending a hearing in this Committee, would add a second faculty member to the CSU BOT. With 25 appointed and ex-officio members already on the BOT, could the addition of additional positions dilute the voices of the current membership?*

*Related legislation.* AB 2070 (Cervantes) would add a second faculty member to the CSU BOT. AB 2070 is scheduled to be heard on April 2, 2024 in the Assembly Committee on Higher Education.

*Prior legislation.* AB 1625 (Medina) Chapter 103, Statutes of 2022, authorizes a student who was appointed to the CSU BOT, whose term expires on June 30, to remain as a member of the BOT until either January 1 of the following year or until the Governor has appointed the student’s replacement; whichever occurs first.

AB 1062 (Levine) Chapter 524, Statutes of 2018, originally increased faculty representation and the voting rights of the student members of the BOT. The bill was amended, removing the content and instead expanded existing reporting requirements for the BOT related to key performance data on online courses.

AB 2386 (Williams, 2016), vetoed, would have revised the membership of the BOT by requiring the Governor to appoint a permanent non-faculty CSU employee for a two-year term.

SB 325 (Block) Chapter 175, Statutes of 2013, waived the tuition fee for student members of the BOT for the duration of their term and permitted sophomores to be appointed as student members of the BOT.

AB 213 (Romero), Chapter 251, Statutes of 1999, increased the size of the BOT from 24 members to 25 by establishing an additional student representative to the board.

AB 514 (Medina), Chapter 61, Statutes of 2019, allows all student members of the BOT to vote throughout the duration of their term on the BOT.

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SB 1515 (Yee, 2012) would have changed the CSU BOT composition, increasing the number of faculty, students and represented staff. This measure was held in the Senate Appropriations Committee.

AB 2849 (Lowenthal, 2004) would have added one non-faculty member of CSU. This bill was vetoed by Governor Schwarzenegger. The veto read, "I find no compelling reason for increasing the membership of the CSU BOT specifically to appoint a non-faculty union employee. Under current law, the Governor is authorized to appoint 16 at-large members to the Board, one of whom may be a non-faculty employee. Therefore, the bill is unnecessary."

SB 644 (Burton, Chapter 860, Statutes of 2003) designated one of the 13 gubernatorial appointments to the California Community Colleges (CCC) Board of Trustees (BOG) as a classified employee, with the appointment made from a list of at least three persons furnished by the exclusive representatives of classified employees of the CCC.

AB 307 (Pavley, 2001) would have added one non-faculty member to the CSU Trustees. This bill was ultimately amended to a different subject matter.

SB 1604 (O'Connell, 2000) would have added one non-faculty member to the CSU Trustees. This bill was held at the Senate Desk.

AB 213 (Romero), Chapter 251, Statutes of 1999, increased the size of the BOT from 24 members to 25 by establishing an additional student representative to the board.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Faculty Association

### **Opposition**

California State University Office of the Chancellor

**Analysis Prepared by:** Kevin J. Powers / HIGHER ED. / (916) 319-3960