

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

SS-S10-1, Sense of the Senate Resolution, In Support of an Academic Senate of the California State University (ASCSU) Nominee as CSU Faculty Trustee

Legislative History: At its meeting of February 8, 2010, the Academic Senate approved the following Sense of the Senate Resolution presented by Senator Lessow-Hurley for the Executive Committee.

**Sense of the Senate Resolution
In Support of an Academic Senate of the California State University
(ASCSU) Nominee as CSU Faculty Trustee**

RESOLVED: That the San José State University (SJSU) Academic Senate endorse the Academic Senate CSU decision to unequivocally support the two qualified CSU Faculty Trustee nominees put forward to the Governor in accordance with ASCSU procedures and State law; and be it further

RESOLVED: That the SJSU Academic Senate urge the Governor to fulfill his statutory responsibility to select one of the two nominees as the next faculty trustee for the term that was to have begun July 1, 2009; and be it further

RESOLVED: That the SJSU Academic Senate add its voice to that of the Academic Senate CSU in urging that the CSU Board of Trustees act as an advocate for shared governance and support the appointment of one of Academic Senate CSU's duly selected nominees and to the extent permissible by law, use its influence to encourage the Governor to appoint; and be it further

RESOLVED: That the SJSU Academic Senate express its support for the leadership of the Academic Senate CSU in efforts to pursue strategies that will result in the appointment of one of the current nominees; and be it further

RESOLVED: That the text of this resolution be forwarded to the Executive Committee of the Academic Senate CSU; John G. Cruz, Appointments Secretary, Office of the Governor; the chairs of the Assembly Higher Education and Senate Education committees of the California State Legislature; the CSU Board of Trustees; the Senates of all CSU campuses; CSSA and the editorial board of the San José Mercury News.

RATIONALE:

In Education Code section 66602 the California Legislature has mandated that the composition of the CSU Board of Trustees is to consist of (a) five ex-officio members, including the Governor, three other elected officials and the Chancellor, (b) an alumni trustee selected by the alumni council, (c) 16 trustees appointed by the Governor and

confirmed by 2/3 of the Senate, (d) a student trustee appointed by the Governor from a panel of three nominees selected by the student association, and (e) a faculty trustee appointed by the governor from a panel of at least two nominees selected by the Academic Senate California State University.

Although the Governor and his 16 direct appointees enjoy a 68% majority on the 25-trustee Board of Trustees, Education code section 66602 specifically and explicitly requires that the Governor must appoint a faculty trustee who has been nominated by the ASCSU. This gives the faculty only 4% of the Board's voting power. While this is miniscule in the light of the fundamentally academic nature of the CSU enterprise as well as traditions of faculty governance spanning more than a thousand years, this is what the Legislature has given the faculty by statutory mandate, and is the only substantive power to which the faculty is presently entitled at this highest level of governance of the CSU system.

As it has biennially for many years, the ASCSU complied with its statutory duty under Education code section 66602 in March 2009 and presented the Governor with its panel of nominees for the faculty trustee position. But the Governor failed to comply with his own statutory duty, with the result that the faculty has been entirely unrepresented on the Board of Trustees since July 1, 2009 and, contrary to the legislative intent of Section 66602 (which is beyond any reasonable dispute). Consequently, the faculty role in the governance of the CSU system has been severely compromised.

Under these circumstances, it seems reasonable to contend that the entire faculty has been deprived of a substantive role in governance of the CSU system at the highest level. The Academic Senate of San José State University therefore joins with ASCSU in questioning both the legal and moral authority of the current composition of the Board of Trustees so long as it lacks the faculty voice inherent in the intended position of an independently nominated Faculty Trustee.

The reasons offered by the Governor for his continuing failure to comply with his statutory duty to appoint a faculty trustee are unavailing. Given that the ASCSU acted lawfully in nominating its candidates, as it did in March 2009, the Governor's only discretion under Education Code section 66602 is to select and appoint one of those nominees as the faculty trustee, and doing so is an act specifically required by law as a duty arising from his office.

Given the current budget crisis, the lack of faculty representation on the CSU Board of Trustees is particularly troubling, and the SJSU Academic Senate calls on the Governor to make the required appointment without further delay.

Approved: February 8, 2010

Vote: 14-0-0

Present: Whitmore, Kaufman, Von Till, Meldal, Lessow-Hurley, Backer, Roldan, Gleixner, Heiden, Phillips, Najjar, Selter, Lee, Baker

Absent: McClory