

28/11/AS/AS

RESOLUTION IN SUPPORT OF CFA CONCERTED ACTION ON NOVEMBER 17, 2011

----Sense of the Senate ---- Waiver Requested----

RESOLVED: That the Academic Senate of California State University, Stanislaus – in keeping with its historical role as an integral component of governance at the CSU - strongly support the California Faculty Association's Concerted Action on behalf of all CSU faculty scheduled for November 17, 2011 on the CSU campuses of Dominguez Hills and East Bay; and be it further

RESOLVED: That the Academic Senate, CSU Stanislaus distribute this resolution to the Office of the Chancellor, the California Faculty Association, CSU campus senate chairs, and the Academic Senate, California State University.

RATIONALE:

The Academic Senate is a representative body authorized by the California Higher Education Employer-Employee Relations Act (HEERA) and, as such, represents one of the largest groups of public employees working under collective bargaining agreements at CSU Stanislaus. Without those collective bargaining agreements covering faculty, the Academic Senate, CSU Stanislaus would be both weakened and diverted from its primary mission, as its focus would necessarily then include discussion and negotiation of other conditions vital to the well-being of faculty including compensation, tenure protections, and grievance concerns currently the subject of the CSU/CFA Collective Bargaining Agreement.

AAUP President Cary Nelson remarked on the relationship between collective bargaining agreements, academic freedom and faculty governance in a 3-12-11 communication to AAUP members (http://www.popecenter.org/clarion_call/article.html?id=2489):

"As professional educators, faculty members are particularly concerned with their role in curriculum design, setting hiring priorities, and shaping instructional budget decisions... [Collective bargaining can] secure agreements on these matters and...can also win contractual status for the fundamental values of academic freedom and shared governance...[Collective bargaining] protects the freedom of choice and expression we value in members of a university community".

As enunciated in the 1986 *Memorandum of the Academic Senate, California State University*, "Communications from academic senates to the CSU, or to CSU and CFA, expressing opinions or seeking consultation on matters within scope [of representation] are not prohibited. To the contrary, they are clearly permitted."

[<http://www.calstate.edu/AcadSen/Records/Reports/pp.pdf>] (See Section II, beginning with: "Definitions of Role and Responsibilities of Academic Senates"). There is thus no question that

academic senates have the right [some would argue responsibility] to communicate with both CSU and CFA on issues of joint interest.

CFA provides a plethora of data to support its position that the CSU can and should meet the obligations it agreed to in the Collective Bargaining Agreement. Two independent fact-finders find that data compelling. Given the CSU's unwillingness to meet those obligations and the fact that CSU has chosen to ignore the conclusions and recommendations of two fact-finding panels, it is incumbent upon the Academic Senate to express its considered opinion that CFA is taking a measured and careful response to the CSU's intransigence. While the Academic Senate recognizes the cost of even single day strikes to our students' education, we believe the pursuit of meaningful bargaining agreements that are respected and executed by all parties is in the best interest of the CSU, our students, and our continued abilities to meet our mission.