

Response to CAeducatorsUnited Statement 9/17/2018

The bold font below is Interim Provost Theodoulou's response embedded into the original statement

On August 28, 2018, CSUN President Dianne Harrison sent a memo to the campus titled "CSUN General Education Update." There are several issues and questions that need to be addressed.

1. Harrison stated:

"EO 1100R incorporates changes recommended by CSU faculty, students, administrators and the CSU Academic Senate regarding how system-wide GE policy can better clarify requirements, ensure equitable opportunity for students' success and streamline graduation requirements."

In what form were CSU faculty, students, administrators and the CSU Academic Senate consulted? Who, specifically, were the individuals who participated in consultation? The departments and programs most impacted by EO 1100R were not invited to be part of the conversation.

The Chancellor's Office began consultation around changes to EO 1100 and General Education breadth requirements with the statewide faculty Academic Senate (ASCSU) in January 2017.

The full EO 1100R consultation timeline is available here:

<http://www.calstate.edu/app/policies/2017-09-08-eo-1100-rev-survey-feedback.pdf>

2. Although Section F will be retained, given the EO 1100R mandate that all GE must double-count as GE and in the major, it is uncertain what the impact will be on courses that are designated in Section F. Additionally, this requirement undermines the purpose of having general education. Also, given EO 1100R mandates 3 units of upper division GE in Sections B, C, and D, the impact on upper division D is uncertain and likely detrimental to Section F courses—most particularly, Ethnic, Gender and Queer Studies courses in Section F.

All departments, including ethnic studies, may see a shift in enrollment. However, the ethnic and cultural studies departments all have courses in the arts and humanities (C) and/or social sciences (D) sections of GE. Students will continue to be required to take 6 units in Section F, and may take additional Ethnic, Gender and Queer Studies courses that are in Sections C or D. Departments may also want to develop courses that meet upper division B student learning outcomes.

"Double-counting" allows students to apply any GE course from their major to an appropriate section in GE, as well as to any requirement in the major that the course may fulfill. As such, double-counting will not impact courses in Section F, since most of the departments that include Section F courses in their major requirements already allow unlimited double counting – these departments include Africana Studies, Asian American Studies, Central American Studies, and Chicana/o Studies. Most departments currently allow students to double count 3 units; 22 departments currently allow students to double count more than 3 units; and 4

departments allow unlimited double counting. EO1100R simply asks that all students have the opportunity to double count, without exception.

3. Harrison stated:

“...there was never a moment when anyone at CSUN nor at the Chancellor’s Office suggested we do away with our cross-cultural requirements or our ethnic studies programs.”

The original EO 1100R would have done away with Section F, essentially destroying many of the comparative cultural studies courses.

While the EO would have eliminated Section F as a distinctive section of GE, the courses were not in jeopardy. Ethnic, gender and queer studies, and all other cross-cultural courses, remain a priority of students, faculty and administrators at CSUN. President Harrison and I concur with faculty and students that CSUN’s unique Section F requirement is special and deserving of protection, which is why the President responded to faculty and student concerns and appealed so strongly to Chancellor White to maintain Section F. The President and I have been outspoken on the importance of recognizing and protecting CSUN’s diverse learning environment.

4. Harrison stated:

“Over the summer, the Chancellor’s Office (CO) clarified that CSUN’s GE structure must conform to all aspects of the EO 1100R, as executive orders emanate from Title 5 and carry the weight and authority of California law. Consequently, recommendations that refute or contradict any part of EO 1100R amount to a violation of California law.”

Does the Chancellor have the right to create laws? Executive Orders issued by CO are laws? Does the California legislature realize that the CO has the same power as elected representatives? Where exactly is it stated that executive orders issued by the Chancellor emanate from Title 5? Where does it state the Chancellor’s Office has the ability to set “GE structure?”

[Sections 40405.1-3](#) of Title 5 establishes the general structure of GE. [Section 40405.4](#) of Title 5 gives the Chancellor the authority to “establish procedures to implement the objectives and requirements of Sections 40405.1-40405.3.”

5. On August 23, 2018, Stella Theodoulou, Interim Provost and Vice President of Academic Affairs, sent a memo to Mary-Pat Stein, the President of Academic Senate. Theodoulou stated:

“As you know, the Board of Trustees has the responsibility under California Education Code to adopt rules and regulations governing the CSU, including regulations focused on General Education. Individual

campuses cannot ignore these rules. Failure to carry out system-wide policies exposes CSUN to possible sanctions or penalties imposed by the Chancellor's Office."

In Harrison's message, non-compliance is constructed as a violation of California Law, by contrast, in Theodoulou's memo, it is a violation of rules and regulations. These are completely different claims. Which is it? Is refusing to comply a violation of California law or a code violation? Which laws or which codes? Also, what sanctions or penalties? We need information on what the Chancellor's Office has claimed they will do if CSUN does not comply.

The structure of public policy in California, as in other states and on the federal level, is based on the premise of separated powers – the Legislature makes statute, the Executive implements statute, and the Judiciary interprets legislative and executive actions when conflicts arise. Implementation of statute is regulated by the [California Administrative Procedures Act](#) which establishes rulemaking procedures and standards for state agencies in California. Under the APA, implementing agencies, such as the CSU, interpret statute and develop regulatory rules, which are published in the California Code of Regulations (CCR). The CCR includes 28 sections, or Titles. Regulations on Education in the state are contained in Title 5. Once regulations are published in Title 5, implementing agencies have the responsibility to put regulations into practice. Within the CSU, the Chancellor's Office is responsible for day to day implementation of Title 5. The Chancellor Office uses executive orders as the vehicle for notifying campuses of required actions consistent with its authority to implement the relevant regulations contained in Title 5.

6. Harrison stated:

"The week before last, Provost Theodoulou, Faculty President Mary-Pat Stein, several faculty representatives from Senate Executive Committee, the Educational Policies Committee and Ethnic Studies, and I hosted representatives from the CO to discuss our status in relation to the EO. After explaining that all 22 other campuses are on their way to compliance, the CO representatives made clear that – even though we have been granted the compromise of keeping Section F – we will still be required to comply with the other elements of the EO."

Only Dr. Theresa White from Africana Studies was there, and she was invited with less than twenty-four hour notice and was not advised that her role was to represent ethnic studies. The other departments were not invited so as to not make the Chancellor uncomfortable. Harrison's statement is a complete misrepresentation.

In addition to Theresa White, Ken Luna (College of Humanities Senator) and Mary-Pat Stein (Faculty President and Director of Queer Studies) were there representing the Faculty. The faculty present were selected by Mary Pat Stein in her role as Faculty President.

7. Last year, Harrison authorized a General Education Task force to work collaboratively to develop a GE program that aligned with the California Education Code (which includes Title V). The task force made recommendations that maintains Section F (Comparative Cultural Studies) requirement and reflected

faculty, student, and advisor desires to promote quality education that embodies the diversity of CSUN. In her communication, she undermined the conclusions of this task force.

Harrison stated: “The Task Force made many positive recommendations that have been shared with the Faculty Senate and may be used as we move forward, however, those recommendations fell short of aligning with the EO in the following areas: the need to designate upper division GE courses in Sections B, C and D only; the need to split Section C into C1 (Arts) and C2 (Humanities); and, allowing all Major-courses that are approved for GE credit to double count for the previously approved GE requirement, as many of our departments already do.”

The charge of the Task Force was to align with the CA Ed Code and maintain Section F. To now fault the Task Force for not making recommendations that comply with the Executive Orders is not only disingenuous, it also misrepresents and misconstrues the stated purpose of the Task Force.

Over the summer, the Chancellor's Office (CO) clarified that CSUN's GE structure must conform to all aspects of the EO 1100R, as executive orders are the implementing vehicles of Title 5 and carry the weight and authority of California law under Title 5 Section 40405.4.

8. Harrison stated:

“Miscommunications, mistakes and assumptions have been made on all sides, including my own and others’ misunderstanding of the relationship between the California Education Code, Title V requirements and the executive orders that further establish our requirements when I communicated parameters to the Task Force on GE.”

Is Harrison qualified to be president of a university that is part of a system that she admittedly does not understand?

Can we respect a president who sends erroneous information about California laws, claiming that her faculty are violating them?

Can we allow someone who authorizes committees to complete vital work and then disregards their labor and discredits their conclusions by erasing them from the dialogue?

The convening of students, faculty and administrators in the General Education Task Force established an important dialogue. The Task Force Report and recommendations make important contributions and have been shared with faculty senate for their consideration and action. After the CO advised of additional requirements of alignment, an extension was granted to accomplish the changes. President Harrison and I deeply respect the role of faculty in the university, and look forward to faculty making the decisions about how we can align our curriculum with EO 1100R as we are obligated to do under Title 5 Sections 40405.1-4.