

HUMBOLDT STATE UNIVERSITY

University Senate Written Reports, November 14, 2017

Standing Committees, Statewide Senators and Ex-officio Members

Faculty Affairs Committee:

Submitted by George Wrenn, FAC Chair

Meetings are open to the campus community. The Committee currently meets every other Thursday at 2 p.m. in Library 118.

The Faculty Affairs Committee addresses matters involving the individual or collective relationship of faculty to the University. The Committee can be reached through the Senate's Faculty Affairs web page: <https://www2.humboldt.edu/senate/faculty-affairs-committee>.

November 9 Agenda and Meeting Notes

Members Present: Monty Mola, Marissa O'Neill, Mark Wilson, George Wrenn (chair)

Members Absent: Renée Byrd, Colleen Mullery

Guests: Julie Alderson, Kerri Molloy

Agenda:

1. Lecturer faculty survey – review results with Kerri Malloy
 2. Updates for ongoing business:
 - a. Faculty Awards resolution – next steps (Wrenn)
 - b. Lab evaluation instrument – review implementation steps with Alderson
 - c. Assistance to international faculty – Provost's Office announcement
 - d. Tenure track density questions (Wilson)
 - e. Assigned time formula (Mola)
 3. Appendix J revision plan and scheduling guests
 4. Incentivizing higher response rates on course evaluations through early release of grades
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Meeting Notes:

- 1) Lecturer faculty survey – review results with Kerri Malloy
 - a) FAC reviewed results and supported presenting the survey for discussion at Senate. The committee also broadened the discussion to practices around entitlements; inequities in treatment of assigned time across the colleges; service workloads across campus; cash compensation vs. WTUs; and how to bring greater clarity to compensation and assigned time practices.

2) Updates:

- a) Faculty Awards resolution – next steps (Wrenn)
 - i) Award amount, rank of awardees, committee composition, application process, etc. Wrenn is reviewing and comparing HSU’s application procedures to those of other institutions. Alderson suggested looking at procedures used on campus for non-faculty awards. Mola proposed considering a college-level award process. Discussion will continue.
- b) Lab evaluation instrument – review implementation steps with Alderson
 - i) The approved lab evaluation instrument will be tested this semester in Biology 410. Chemistry 109 and 110 were suggested as additional classes for testing. The group discussed necessary steps for implementation in spring (including required notification steps). Alderson and Wrenn plan to notify College Deans about the instrument.
- c) Assistance to international faculty – Provost’s Office announcement and next steps
 - i) Mola has calls out to four UCs about how they support international faculty. He noted that UCs are using stateside funds to support their international faculty. In discussion, it was noted that support for international faculty would be consistent with HSU’s efforts to diversify the faculty, and that support can be negotiated at time of hire (although not all faculty will be comfortable doing this).
- d) Tenure track density questions (Wilson)
 - i) Mark shared, and the group discussed, draft questions about tenure density for a Senate discussion. Revised questions will be reviewed at the next meeting. Alderson agreed to speak with the President and Provost about providing a formal response to questions from Faculty Affairs on tenure density.
- e) Assigned time formula (Mola)

Mola continued to work on formulas and has requested data from OIE. He will report to FAC again after the data is in hand.

3) Appendix J revision plan and scheduling of guests

This item was postponed until November 16.

4) Incentivizing higher response rates on course evaluations through early release of grades

- a) Plan next steps, review registrar requirements

This item was postponed until November 16.

University Policies Committee:

Submitted by Justus Ortega, UPC Chair

UPC did not meet this last week as we were waiting for feedback and information regarding the Animal policies and Flag policy.

We asked for Risk Management and Student Disability Resource Center (SDRC) to respond to....

- 1) whether to add language regarding animal policy in relation to working around people with allergies. It was agreed upon that this was more of a procedural issue rather than policy issue and that employer has an obligation to find a working environment solution that accommodated all employees.
- 2) whether to add language to policies regarding "service animals in training". As per risk management and SDRC recommendation, the UPC added a sentence to each policy (in accordance with CA civil code 54.2) that addresses this issue.

We are working with the President's office and General Counsel to better understand the law regarding the proposed Flag policy and whether there is an alternative solution.

Academic Senate CSU (ASCSU):

Submitted by Mary Ann Creadon, ASCSU Representative (via John Tarjan & Janet Millar, CSU Bakersfield)

Report from ASCSU November 1-3, 2017

1. **Overview of Standing Committee Meetings (November 1)**
 - a. Executive Orders EO 1100 (general education) and EO 1110 (remediation) and shared governance issues continued to be discussed in the standing committees and Executive Committee but resolutions on other issues were also developed/revised.
2. **Senator Swenson**, who is also President of the Faculty at CSU, Northridge, gave a lengthy report on his campus response to EO 1100 (revised) and its potential impact on ethnic studies and related programs. A campus meeting on the issues was held on campus at a large venue that filled to overflowing. Chancellor White responded to the concerns expressed with a proposed approach that would allow the retention of the campus "Area F" requirements. The Senate ultimately reaffirmed its resolution declaring its intent not to cooperate with the implementation of this Executive Order.
 - a. An interesting article related to these issues can be found at <https://edsource.org/2017/california-state-faculty-still-upset-about-remedial-ed-changes-but-compromises-emerging/589716>

3. **Chair Miller's** current and other past chair reports can be found at http://www.calstate.edu/AcadSen/Records/Chairs_Reports/
4. **Excerpts from Other Reports**
 - a. **Academic Affairs** discussed the following topics.
 - i. Worked on Resolution on Project Rebound (for formerly incarcerated students)
 - ii. Student mental health counselor ratios were discussed and student mental health overall were discussed. We may have a resolution in January.
 - iii. Are continuing to discuss measures of student success.
 - iv. Are looking at issues surrounding faculty development.
 - v. Reviewed proposed revisions to three EOs (1080, 1081 1082) on international studies/study abroad.
 - b. **Academic Preparation and Education Programs** discussed the following topics.
 - i. Had a number of visitors to discuss multiple measures for student placement into math and composition courses. Students will be placed into three groups under the new model.
 - ii. Some campuses are looking for other ways to place students (e.g., using ALEKS).
 - iii. Some campuses are concerned about their capacity to offer sufficient A3 and B4 courses under the new model.
 - iv. Quantitative reasoning resolution—there is a second reading on the Senate agenda.
 - v. The CO is interested in campus proposals to integrate prebaccalaureate coursework into FYE-like courses that might be offered next summer to replace Early Start.
 - vi. Integrated teaching programs. There is a problem with some graduates of these programs not getting sufficient recognition in district pay schedules.
 - c. **Faculty Affairs** discussed the following topics.
 - i. Perquisites for emeritus faculty on their campuses.
 - ii. Issues related EO 1100 & EO 1110 dominated discussions.
 - iii. Update on Faculty Numbers and Faculty Recruitment—they were up slightly this past year.
 - iv. The various approaches taken on individual campuses related to the imposition of the new EOs. Jeniffer Eagen visited and discussed related issues from the perspective of CFA.
 - v. External funding for research in the CSU exceeds \$560 million.
 - d. **Fiscal and Governmental Affairs** discussed the following topics.
 - i. Are planning for spring Advocacy Day.
 - ii. Governor's interest in MOOCs despite evidence that they are not effective.
 - iii. SUGs, Pell Grants Cal Grants
 - iv. Student affordability issues: food insecurity, housing insecurity, textbook affordability.
 - v. Tracking of close to 200 bills—more likely to come.
 - vi. Shared governance.

- e. **Faculty Trustee Sabalius** reaffirmed his admiration of, and support for, the ASCSU. He plans to consult with the group and individual members in the coming months as he embarks upon his new responsibilities. He reviewed his many trustee-related activities over the past several weeks. Asked if he has seen a change in the stance of the administration relative to executive orders, he replied yes. Implementation delays and limited waivers have already been granted by the Chancellor. He feels we need to keep lines of communication. The administration does listen to us. **Former Faculty Trustee Stepanek** looked back over his years as trustee, department chair and Senate member. Some things have changed recently. Students and labor have a greater role in shared governance. State government officials have become more active in legislation/regulation/requests for information and are more likely to impose potentially unrealistic deadlines. He urged us to become more proactive and work with the administration to respond to legislative mandates. He feels we should look at how ASCSU and the administration can best work together to address the many issues facing the CSU and strive to improve that relationship. Trustees' written reports can be found at http://www.calstate.edu/AcadSen/Records/Faculty_Trustee/index.shtml
- f. GE Advisory Committee discussed the following issues.
- i. Use of AP Computer Science for credit for B4.
 - ii. Use of Defense Language Institute coursework for credit for C2.
 - iii. The need for B4 clarifying language.
 - iv. The standing of Guiding Notes for Reviewers vis a vis EO 1100
 - v. Best practices in GE program assessment.
- g. **English Council** discussed
- i. Implementation of EO 1110.
 - ii. Multiple measures for placement.
 - iii. Upcoming meeting of composition coordinators and potential for sponsored faculty development
 - iv. The timing of the above and responses to the above.
 - v. The success of existing composition programs. It appears that existing programs already accomplish what the new EO purports to accomplish.
- h. **GE Task Force**
- i. Are making progress in their subcommittees.
 - ii. Are looking at both an overall programmatic goals and specific issues.
- i. **Admissions Advisory Council**
- i. The most recent eligibility report indicated that our admission standards result in 40.8% of CA HS graduates being eligible for admission to the CSU. The Master Plan for Higher Education in California sets the target eligibility percentage at 33.3%.
 - ii. The Governor's office indicated that perhaps the CSU eligibility index needs to be reexamined.
- j. **Tenure Density Task Force**
- i. Their report will be available soon.

5. **Notes:** On Thursday afternoon, ASCSU met as a Committee of the Whole to discuss shared governance and joint decision-making and potential steps to move forward. There is a genuine desire to find ways to improve the relationship between the faculty of the CSU and the administration and Trustees. Typically, a Committee of the Whole is convened to have broad ranging discussions of issues rather than to take formal actions or make decisions. Subsequently, we passed a motion that directed the Executive Committee “to meet with CSU leadership to address the current state of faculty/administration relations and ask all of them to develop a mutually agreed upon definition of joint decision making and recommend a process by which decisions are made.”
6. We passed the following commendations.
 - a. **Commendation for former Faculty Trustee Stepanek** recognizes his many contributions to the CSU and ASCSU as a longtime department chair, member of ASCSU, campus senate chair, faculty trustee, etc.
 - b. **Resolution to Recognize and Commend CSU Campus Mutual Aid and Assistance, First Responders, and Campus Emergency Responders in the Sonoma Fire Emergency** is self-explanatory and includes recognition of the assistance offered by many other CSU campus personnel.
7. We passed the following resolutions without a second reading due to their urgency/timeliness. Copies of this and other resolutions can be found at <http://www.calstate.edu/AcadSen/Records/Resolutions/>.
 - a. **In Support of the Preservation and Extension of the Deferred Action for Childhood Arrivals (DACA)** expresses support for these students, urges continuation of policies, including the charging of in-state tuition, urges campuses not to cooperate with immigration authorities, supports several pending pieces of CA legislation, and urges our congressional representative to pass legislation maintaining DACA protections.
8. We passed the following resolution upon second reading. <http://www.calstate.edu/AcadSen/Records/Resolutions/>.
 - a. **Standards for Quantitative Reasoning** supports the definition of quantitative reasoning contained in the QRTF report, endorses the baccalaureate level expectation of quantitative reasoning, affirms that transfer B4 courses have quantitative reasoning as a base, affirms that B4 courses should have as goal to move students towards baccalaureate-level quantitative reasoning outcomes, and encourages the CSU to communicate to high schools of our intent to require a fourth year of mathematics in the a-g admissions requirements.
9. We introduced the following resolutions that will be considered for adoption at our January plenary. Copies of this resolution should be available shortly for campus review.
 - a. **Shared Governance and Consultation in the CSU** expresses gratitude to the campus senates which passed resolutions concerning EOs 1100 and 1110, acknowledges breakdowns in shared governance related to the EOs, pledges the ASCSU’s commitment to identify and remedy problems in shared governance, and declares its intent to jointly adopt, with the administration, the accompanying “Statement on Shared Governance

and Consultation in the California State University” and the related “Principles of Consultation with Faculty” documents.

- b. Project Rebound Program: Support and Expansion** advocates for this program which supports formerly incarcerated individuals who are attending the CSU, encourages expansion of the program, and argues for adoption of a similar program at federal level.
 - c. An Alternative Process for C-ID Course Review** endorses a recommendation that one method of course review be by the chair of the CCC department offering the course.
- 10. Senator Leo Van Cleve (Chancellor’s representative)** provided context for EVC Blanchard’s comments regarding any potential legal action that might be brought by CFA and commended the body for focusing on moving forward in shared governance. The administration is willing to work with ASCSU on issues surrounding shared governance and joint decision-making. Shared understanding of scope and definitions would be helpful. His statement supports the motion taken by the body contained in Section 5 above.
- 11. CFA Liaison & President Jennifer Eagan** mentioned CFA resolutions on the EOs and peace with North Korea. She discussed CFA work on justice, DACA, the work of committees, the introduction of CFA podcasts, upcoming endorsements of political candidates, controversial outside speakers on campuses, assigned time for exception levels of service, etc. She discussed the importance of encouraging faculty from underrepresented groups to apply for this assigned time. CFA is unwilling to provide contract voting data broken down by campus.
- 12. Hans Johnson, PPIC** (*Note: the following was reconstructed from notes taken by a colleague while I was absent from the session.*) California has a growing need for more college graduates to support our economy. PPIC offers independent analysis of policy that affect California. Education and higher education are two areas. The primary justification for state spending on higher education is to provide for a stronger economy and better lives for its residents. Many reports can be found on our website. We expect a shortfall of up to 1.1 million college graduates in CA by 2030. The biggest projected shortfall is for people with baccalaureate degrees. Baby boomers participated in higher education at higher rates than the current generation. As they retire, the shortage becomes larger. More occupations are now requiring college degrees. There are great economic benefits for students completing college degrees regardless of major. California’s educational statistics regarding HS completion, college transfer, college graduates, etc. are inadequate and trail much of the nation. <http://www.ppic.org/publication/ppic-statewide-survey-californians-and-higher-education-november-2017/>
- 13. Chancellor Timothy White** mentioned the devastating impact the recent fires had on the SSU campus and the impact on other campuses. There will continue to be impacts related to rebuilding, shortage of housing, etc. Many campuses pitched in to offer staffing support to SSU. This cooperation is evidence of some of the advantages of being part of a system of campuses. We are attempting to assist students to renew their DACA status before the deadline. The CSU is a partner in the CA suit opposing the suspension of DACA. There is a good chance that if this issue goes to the Supreme Court DACA will be overturned. A more definitive solution would be for the Congress to act. A PPIC report of survey results dealing with higher education just came out. Affordability is an issue, particularly housing. California resident attitudes towards the CSU are increasingly positive and higher than those towards the UC. The Chancellor thanked us for

the good work we do as reflected in these results. Other reports results were shared (see link in previous section). There may be support for a construction bond offering to support higher education. The Board will ask for a \$300m budget increase for next year to support graduation, salaries, student growth, mandatory costs, etc. However, we expect a lower level of support in the Governor's budget. We will really need to pull together this year (administration, faculty, labor) to advocate for adequate support for the CSU. Given inflation and cost increases, we are facing a potential actual decrease in our system financial resources next year. We also face some uncertainties dealing with federal actions on healthcare.

a. Q&A:

- i. Q: Is there data to support the reasoning behind EOs 1100 and 1110? Is it a good idea to reduce the math/science rigor in GE?
 1. A: Send me an email with your specific questions and we will try to find the data.
- ii. Q: Can we meet in small groups to address shared government issues with you?
 1. A: You bet.
- iii. Q: Why did the CSU not join in the UC suit relative to DACA?
 1. A: The UC developed their suit in private—also, they are a constitutionally independent state agency operating under different rules.
- iv. Q: Isn't the number of EOs increasing these days and can we have more input on the development?
 1. A: Not really, the number is actually decreasing compared to the past.
- v. Q: How can we move forward in improving shared governance?
 1. A: I am willing to sit down and discuss ideas. We have some new Senators in the room that may have new ideas. Open communication and trust is a shared responsibility. There are many voices to which the CSU needs to pay attention—unions, government, board, faculty, other employee groups, etc.
- vi. Q: Why isn't there better consultation on a number of issues?
 1. A: Some are controlled by labor contract. On others, we can do a better job.
- vii. Q: We seem to focus too much on metrics like graduation rates and times, especially given our student demographics.
 1. A: I agree. The metrics paid attention to by the public do not reflect everything that is important. However, our funding is increasingly dependent upon these metrics.

14. Presentation by Jeff Gold & James Minor (CO, Graduation Initiative) They reviewed a presentation on GI 2025 that they will present to the Board next week. Time to graduation is not the only important student success metric. Quality and learning are also very important. Our goal is to improve the 4-year graduation rate only to 40% and the 6-year rate to 70%.. Intermediate goals were reviewed. There is a persistent 10 point achievement gap experienced by Pell-eligible students and a 12 point gap experienced by underserved minority groups. Many

resources and background material on GI 2025 can be found at <https://www2.calstate.edu/csu-system/why-the-csu-matters/graduation-initiative-2025/>. The Georgia system experienced significant increases in student success implementing policies similar to those contained in EO 1110. Perhaps we need to rethink how we define “underserved:” perhaps it is more of a continuous rather than a discrete variable. College readiness, first generation status, economic challenges and ethnic background can all impact the likelihood of student successful completion. There is a great economic benefit for students if we can decrease their T2D.

- 15. EVC Loren Blanchard** Previewed two more topics that will be presented at the Board meeting next week in response to Trustee requests. They will give an update on teacher preparation and addressing the CA teacher shortage. They will highlight integrated teacher preparation and other programs, outreach to potential teachers, and financial aid for those preparing for a career in teaching. They will also address how enrollment management works in the CSU, focusing on campus strategies and tools. They will also address student food and housing insecurity and financial need. The Board will have a resolution on DACA. He acknowledged the resolutions related to EO 1100 and 1110 passed by campuses. He intends to respond to the campus resolutions through Chair Miller by next week. Campuses have been invited to submit proposals for summer student readiness courses. Two Senators shared an analysis showing a very high correlation in the CSU between campus SFRs & tenure density and campus 4 & 6-year graduation rates. Dr. Blanchard indicated that faculty hiring is an important part of our efforts to increase student success. However, available funds may be inadequate to make significant progress in this area. Senators expressed dissatisfaction with the current joint decision-making processes and the substance of the two EOs. Dr. Blanchard reviewed the process of consultation undertaken in drafting the two EOs. Multiple Senators repeated HEERA language which seems to mandate joint decision-making with the faculty, especially in the realm of curriculum with a specific mention of ASCSU as the official voice of the faculty.
- 16. Ryan Brown (CSSA Liaison)** reported on the activities of CSSA over the past two months. The October plenary was planned for SSU but had to be cancelled due to the fires. The agenda will be taken up in November at the SLO campus. We are focusing on impending impacts from the potential rescission of DACA. We are engaged in federal lobbying to allow DACA students to remain in the country and complete their studies. We support the DREAM Act. We are looking at legislation dealing with student loans (origination fees, etc.). We are looking at affordability (i.e., on-line, free textbooks). We are looking at ways to promote a positive campus climate and equity. We are looking at how shared governance has broken down in regards to the adoption of the new EOs. We will be considering changes to Title IX interpretations and encouraging the CSU administration to consider enforcing previous guidelines.
- 17. Jay Schwartz (ERFA Liaison)** (*Note: the following was reconstructed from notes taken by a colleague while I was absent from the session.*) They extended membership to all CALPERS-eligible CSU employees. They seek more involvement with advising and mentoring DACA students. ERFA unanimously passed a resolution opposing the implementation of EO 1100 and EO 1110. Decisions of this type need to be data driven and put on hold until there is sufficient opportunity for faculty input. Are advocating for preferred health care rates for retired faculty, particularly in rural areas. They will meet next at East Bay.

18. Denise Bevly (Director of Student Wellness) gave a presentation on the Basic Needs Initiative in conjunction with GI 2025. 1 in 5 CSU students reported food insecurity and 1 in 12 housing insecurity. These terms were defined. We are implementing initiatives to deal with immediate needs (emergency housing, food pantries, etc.), growth (in campus-based initiatives), scale (expanding successful campus programs across the CSU), collaboration (with CCCs, UC, and state and federal partners), and sustainability (of the initiatives already mentioned). Senators provided a number of excellent suggestions for potential programs/approaches for dealing with student wellness issues on our campuses

Administrative Affairs:

Submitted by Douglas Dawes, Interim Vice President of Administrative Affairs

Facilities

- Facilities will be presenting a draft prioritization of campus projects to the USFAC on 11/27, using the recently approved criteria from Cabinet. Once that list is refined, it will be provided to Cabinet as an information item.

Procurement

- People can now pay for some services with their ProCard (our Contracts & Procurement, ProCard website is a good resource)
- When purchasing through Staples Business Advantage online, it will automatically substitute out a more sustainable item if available.

Student Financial Services

- In September, Student Financial Services with the collaboration of the Financial Aid Office, Enrollment Management and the Housing Department has implemented an electronic authorization form that allows student to provide Humboldt consent to disclose some of their educational records to a third party (parents, guardian, sponsor, etc.) The student can select what types of records they are allowing to be released and they can grant or remove access at any time. Prior to implementing this new modification called "The Authorization to Release Information", the university had three separate FERPA consent forms.

A special thanks to CSU Chico who shared their modification with our campus. The CSU is in the process of implemented this modification to be a CSU PeopleSoft baseline enhancement. Once a campus modification becomes a CSU baseline process, the responsibility of maintaining and updating the process shifts from campuses to the IT Department at the Chancellor's Office. This is excellent news for HSU.

- Student Financial Services with the collaboration of the Financial Aid Office, Enrollment Management, Academic Advising and the EOP Department has implemented a financial agreement between the students and the university. The "Intent to Enroll Agreement" requires the student to agree to the financial responsibility related to tuition and fees

generated from enrolling at HSU. This new agreement also requires the student to acknowledge the academic requirements for accepting financial aid.

Many of the other CSU have created their own financial agreement modification. After a 2015 recommendation from the National Association of Colleges and University Business Offices (NACUBO) to implement a financial agreement at all schools, the Chancellor's Office developed a CSU PeopleSoft process that went live in 2016. The CSU has standardized the financial agreement for all campuses and are maintaining and enhancing the process.

- This month, Student Financial Services has implemented a software from Flywire Inc. that provides the campus a payment portal that will accept international student payments. Students or their parents, can make an on-line payment, using their home currency which will be converted to US dollars based on the payment processing option they select. The software allows the student to select the language translation on the payment portal and they can contact Flywire Support via phone operators or on-line with various languages options. The exchange rate is very competitive for the student and there is NO cost to the university.
- This month, Student Financial Services with the collaboration of the College of Extended Education & Global Engagement completed the implementation of a payment portal interface with the university's Hobson Radius software and CASHNet Cashiering Software. The Office of Admission is also looking to utilize this new technology for the orientation and preview program.
- Student Financial Services with the assistance of Parking and Commuter Services is near completion of the exchange of payroll deduct parking permits for staff and faculty. The program was initiate to eliminate existing parking permits that did not have an expiration date. Of the 834 employees who have a payroll deduct parking permit, 632 have been exchanged.

President's Office:

Submitted by Lisa Rossbacher, President, Humboldt State University

A major focus of last week's meeting of the CSU Board of Trustees was the discussion of the Trustees' budget request for 2018-19.

The proposed incremental expenditures for the CSU in 2018-19 reflect the Board of Trustees' values and priorities. These investments include continuing funding for the Graduation Initiative (\$75.0 million), 1% enrollment growth for the System (\$39.9 million), increased employee compensation (\$122.1 million),

critical facilities and infrastructure needs (\$15.0 million), and mandatory costs such as retiree health benefits (\$30.9 million). The projected incremental expenditures total \$282.9 million.

In contrast, the Governor's announced funding plan for the CSU in 2018-19 is \$102.0 million, which is \$55 million less than the 2017-18 allocation and, obviously, about \$20 million less than the amount needed by the CSU just to cover the faculty and staff compensation increases that have already been negotiated. Unless the legislature funds most or all of the Board of Trustees' budget request or the Board approves an increase in tuition, making up the difference will be a campus responsibility. (Note: The CSU projects an additional cost increase of \$17.4 million next year, due to inflation, a factor for which the CSU does not include in its budgeting.)

A current budget-related topic for HSU is how to address the fiscal deficit in Intercollegiate Athletics, which is projected to be about \$900,000 in 2017-18. I will speak to this topic directly at this University Senate meeting.

Regarding the proposed revision to the flag policy: I have consulted with Alison Kleaver, our legal counsel, and she offers the following comments, which I am quoting with her permission:

The "US Flag Code" is codified in the Freedom to Display the American Flag Act of 2005, located at 7 U.S.C. Section 7. With respect to flying the flag at half-staff, the statute specifically provides for the flag to be flown at half-staff in the following circumstances:

- 1) on Memorial Day, the flag "should" be flown at half-staff until noon;*
- 2) the President of the United States "shall" order that the flag be flown at half-staff upon the death of principal figures of the US Government and upon the death of the Governor of a state, territory, or possession;*
- 3) the President "can" issue instructions or orders to fly the flag at half-staff upon the death of other officials or foreign dignitaries, or in accordance with recognized customs or practices not inconsistent with law;*
- 4) the Governor of a state, territory or possession "may" order that the US flag be flown at half-staff upon the death of a present or former official of the government of that state or upon the death of a member of the Armed Forces who dies while serving on active duty.*
- 5) the President "may" order the flag to be flown at half-staff on the death of leading citizens, not covered by law (aka Martin Luther King, Jr.)*

While there is virtually no case law discussing the current 2005 version of the Flag Code, in 1993, the Eleventh Circuit Court of Appeals considered the Code's predecessor statute and determined that the Flag Code is "merely advisory and is not intended to proscribe behavior." Dimmitt v. City of Clearwater, 985 F.2d 1565, 1573 (11th Cir.1993). Central to the court's decision was the fact that the Code often uses permissive words such as "should" and "may," rather than "shall" (which is only used in connection with #2 above). Additionally, there are no penalties for violation of the Flag Code, which further suggests that the Code is not intended to proscribe behaviors, but rather to codify existing customs and practices.

With this guidance in mind, it is certainly appropriate to limit the lowering of the US flag on HSU's campus to only those circumstances described in the US flag code. In fact, there are many people across the country who agree with and advocate for this practice. Limiting the

circumstances under which the flag will be flown at half-staff to only those specifically set forth in the Flag Code arguably preserves the significance of doing so and signifies national mourning (or statewide mourning) for only those persons who have served their country (or state) in a significant way. Additionally, it could be confusing or upsetting for citizens who may see flags lowered on campus but not in the local community.

That being said, because the Flag Code is typically considered guidance only, it is not illegal for anyone other than those individuals described in the Flag Code to fly the US flag at half-staff for other reasons. If the campus chooses to do so, I would recommend that consideration be given to complying with the spirit of the Flag Code in determining for whom and under what circumstances the flag would be lowered on campus. By this, I mean that the lowering of the US flag is intended to be an honor reserved those who have served their country in extraordinary ways, not something done as a matter of course for every US citizen.

One possible compromise would be to lower the CSU and HSU flags, but not the US and California flags upon the death of certain specified individuals. As a practical matter, I understand that the campus only has one flag pole, so it is not possible to do so at this time. However, it may be appropriate in the future if the campus erects another flag pole or is able to utilize more than one rope to hoist flags on the existing pole.

As a resolution to this question, I propose that we continue past practice until such time as HSU has multiple flag poles or mechanisms to hoist flags separately, at which time we can consider an appropriate policy for the future. In the absence of the ability to handle the U.S., California, and HSU flags separately, I recommend that we do not change the existing policy.

Congratulations to the organizers and participants in the Campus and Community Dialogue on Race. I was impressed by the range of topics that were discussed and the knowledge and engagement of the attendees. I particularly note the attendance and participation by members of the larger communities; they added valuable perspective to the discussions, and their presence highlighted the critical partnerships that HSU has with the region. My thanks to all the planners, participants, and attendees.

As always, I am available to answer questions.