I. Minutes: Approval of the October 8, 1991 Academic Senate minutes (pp. 2-9).

II. Communication(s) and Announcement(s):
   A. Reading List (p. 10).
   B. Status of Academic Senate CSU resolutions (pp. 11-12).
   C. "The Teaching and Learning Exchange" (p. 13).
   D. Applications for Academic Program Improvement Seed Grants (p. 14).

III. Reports:
   A. Academic Senate Chair - report on Foundation activities
   B. President's Office
   C. Vice President for Academic Affairs' Office
   D. Statewide Senators
   E. CFA Campus President
   F. CSEA Campus President
   G. ASI Representatives
   H. Kendrick Walker, Director of Athletics - report on Athletics

IV. Consent Agenda:

V. Business Item(s):
   Resolution on Faculty Suspension With Pay-Berrio, Chair of the Personnel Policies Committee, first reading (p. 15).

VI. Discussion Item(s):
   Sexual Harassment Policy changes (pp. 16-22).

VII. Adjournment:
COMMITTEE ASSIGNMENTS FOR YEAR ROUND OPERATIONS

BUDGET COMMITTEE

The Budget Committee will be asked to review and analyze the fiscal impact of moving from an academic year of three quarters plus a separately funded summer quarter (which is the current situation at Cal Poly) to the following:

1. Funding for 4 quarters, which will provide comparable funding for each quarter, without use of artificial salary constraints, and allowing for the reality of increased use of buildings and equipment.

   Identification or consideration of what adjustments would need to be made in the budgeting process to allow for such changes, be they formula changes or whatever is identified.

2. Assessing a trimester basis for Year Round Operations. The Committee would use the same approach as for item 1.

INSTRUCTION COMMITTEE:

Under the by-laws of the Academic Senate, the Instruction Committee "... shall be responsible for recommendations regarding subjects which impinge directly on the quality of teaching."

1. Accordingly, this Committee should review the affects on quality of teaching under the present system of 3 plus 1 quarter, Year Round Operations as defined earlier, and the trimester system of instruction.

2. This review should also consider the effects upon the student under each approach, as well as what the academic calendar should be for each system. This would include a recommendation as to the number of weeks which should be in a semester.

3. Identify and assess pertinent pedagogical factors under each of the options being evaluated.

LONG-RANGE PLANNING COMMITTEE:

The standing charge to the Long-Range Planning Committee states: "Areas assigned to specific standing committees of the Academic Senate fall within its purview when future predictions and extreme long-range planning are necessary or possible."

1. This Committee will assess the long-range
implications of each type of academic term, as identified above, with particular emphasis on enrollment, student retention, and progress toward graduation.

2. This Committee will review the reports from the Budget Committee, the Instruction Committee, and its own findings, and compile a report, with recommendations. The report will be directed to the Academic Executive Committee for discussion prior to submittal to the Academic Senate.

To assist each committee, there is a growing file of information available in the Academic Senate office. The Chair of each committee should come review the materials and copies will be made of the desired information appropriate to the charge of that committee. Additional assistance will be provided through the various appropriate office in the University administration, i.e., Finance, Institutional Research, etc.

The timetable for reporting to the Academic Senate office is as follows:

   Budget and Instruction Committees by January 14, 1992
   Long-range Planning Committee by February 4, 1992.

The time differential is based upon the charge for the LRPC to compile all the reports into a single document.

Earlier reporting would be welcome.
<table>
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<th>date</th>
<th>reading material</th>
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<tr>
<td>9/13/91</td>
<td>Academic Senate CSU resolutions considered at their September 5-6, 1991 meeting (Academic Senate CSU)</td>
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<td>10/1/91</td>
<td>Sabbatical and Difference-In-Pay Leaves (memo from Vice President Koob to deans, et al.)</td>
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STATUS OF SENATE RESOLUTIONS

The following items were circulated for Senate consideration at the September 5-6, 1991 meeting in Long Beach. The status of each resolution is listed below as well as the person(s) to whom it is directed:

(1) AS-2025-91/FA Reorganization of the Office of Faculty and Staff Relations APPROVED UNANIMOUSLY All Constituencies (Attn: Herbert Carter)

(2) AS-2026-91/TE Opposition to SB 215 (Craven), Teaching Credentials: Instruction in Self-Contained Classrooms APPROVED UNANIMOUSLY All Constituencies (Attn: Lee Kerschner, Commission on Teacher Credentialing)

(3) AS-2032-91/AA Response to the Board of Trustees CSU Agenda Item on the Report of the Asian Pacific American Education Committee APPROVED UNANIMOUSLY All Constituencies (Attn: Lee Kerschner)

(4) AS-2036-91/AA Support for "Policies and Standards for CSU Campus Library Facilities" (September 15, 1991) APPROVED All Constituencies (Attn: Lee Kerschner)

The following items were received by the Academic Senate at the September 5-6, 1991 meeting and were scheduled as second reading items at the next regular meeting on November 7-8, 1991:

(5) AS-2027-91/GA Opposition to SB 976 as Amended (Hart): Education

(6) AS-2028-91/GA Opposition to AB 2134 (Polanco): Graduate Programs and Studies

(7) AS-2029-91/FA Flexible Difference-In-Pay Leaves

(8) AS-2030-91/FA Use of Difference-In-Pay Leaves To Supplement Full-Time Fellowships

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<table>
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<tr>
<th>Resolution Number</th>
<th>Description</th>
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<tr>
<td>AS-2031-91/AA</td>
<td>Support for the Authorization of the Degree of Bachelor of Landscape Architecture</td>
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<td>AS-2033-91/AA</td>
<td>Support for Policies and Programs Which Serve Underrepresented Groups Within the CSU</td>
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<tr>
<td>AS-2034-91/FA</td>
<td>The Definition of &quot;Indirect Instruction&quot; in the 1991 Memorandum of Understanding Between the California State University and the California Faculty Association</td>
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<tr>
<td>AS-2035-91/FA</td>
<td>Faculty Responsibility for Campus Discussion on Issues of Critical Importance to Higher Education</td>
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<tr>
<td>AS-2037-91/CSIP</td>
<td>Support for an Education Satellite</td>
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<tr>
<td>AS-2038-91/FA</td>
<td>Support for Efforts to Obtain Judicial Review of AB 702</td>
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<tr>
<td>AS-2039-91/FA</td>
<td>Improvements in the CSU Forgivable Loan/Doctoral Incentive Program</td>
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MEMORANDUM

TO: CSU Colleagues

FROM: Helen Roberts, Dean, Instructional Improvement

SUBJECT: "The Teaching and Learning Exchange"  
An All-University Conference on Teaching and Learning  
February 27 – March 1, 1992  
Hyatt at Los Angeles Airport

Because of your interest in teaching and learning, I want to draw your attention to the enclosed call for presentations for the first CSU all-university conference on teaching and learning. Sponsored by the Institute for Teaching and Learning, "The Teaching and Learning Exchange" will celebrate thirty years of commitment to teaching since the California State University was established in 1961.

On behalf of the ITL Advisory Board and the Conference Planning Committee, I invite you to consider "The Teaching and Learning Exchange" as an opportunity to share your knowledge of teaching with colleagues throughout California. Please use the call for presentations to propose a concurrent session, poster session, disciplinary session, or workshop that celebrates the enhancement of teaching and learning. Session proposals are due on November 1, and proposers will be notified of selection results by December 1, 1991.

Don't hesitate to call if we can provide you with further information about "The Teaching and Learning Exchange." We look forward to your participation.
Date: October 1, 1991

To: Presidents

From: Lee R. Kerschner
Vice Chancellor, Academic Affairs

Subject: Request for Applications for Academic Program Improvement Seed Grants 1991-92

Attached is the Request for Applications for the 1991-92 Academic Program Improvement (API) Seed Grants Program which contains information about application guidelines and submission procedures. Applications are due at the CSU Institute for Teaching and Learning no later than 5:00 p.m. on Friday, November 15, 1991.

Topics of API Seed Grant applications could be in any area related to academic program improvement. A completed proposal ready for submission to external funding sources through the local campus is the expected end product of the Seed Grant. Applications will be reviewed by the API Advisory Committee.

Each campus may submit five applications. We ask that campuses employ local procedures to screen applications. A cover letter from the Vice President for Academic Affairs should accompany the campus applications and describe the campus review process, campus interest in the topics, and commitment to the applications forwarded for consideration.

Questions about this RFA or the Academic Program Improvement Program may be addressed to Dr. Ming Lee, Research Analyst, Institute for Teaching and Learning, at (213) 590-5856.

Attachment
WHEREAS, Faculty members are guaranteed confidentiality in personnel matters, and

WHEREAS, Faculty members have the right to know the specifics of the allegation(s) related to them; therefore, be it

RESOLVED: That the following language be included in the Campus Administrative Manual (CAM) as a second paragraph to Section 346.3.C:

2. When a faculty member receives notice of temporary suspension with pay, s/he may request, in writing, within 20 calendar days, that the President provide the specifics of the allegation(s). Within 20 calendar days of such request, the President will provide, in writing—to the faculty member only—the specifics of the allegation(s).

Proposed By: The Academic Senate Personnel Policies Committee
Date: October 9, 1991
MEMORANDUM

Date: June 11, 1991

To: Jan Pieper, Director
Personnel and Employee Relations

From: James L. Murphy, Chair
Academic Senate

Subject: Recommendations of the Status of Women Committee
Regarding the Sexual Harassment Policy

I strongly endorse the position of the Status of Women Committee. While financial considerations must be taken into account, this is such a serious issue that it cannot be deferred any longer.

Attachments
Memorandum

To: Jan Pieper, Director, Personnel
Via: Chair, Academic Senate
CC: Anna MacDonald, Status of Women Committee members

From: Margaret Berrio, Chair, Status of Women Committee

Subject: Recommendations Requested by Your Office Regarding the Sexual Harassment Policy

Date: June 7, 1991

We appreciate your request for advice from us, as you embark on a reassessment of the sexual harassment policy. As you know, we have spent considerable time studying the issues of sexual harassment and sexual assault this year.

Attached is a list of recommendations compiled from records of our own discussions and investigations as well as from publicly issued documents such as articles from the Mustang Daily. Although many of the recommendations are directed toward policy changes, we see implementation as the greater issue.

We have found no evidence that women faculty, staff, or students have any confidence in the intention of the university to protect women from sexual harassment. Until the campus community has the clear impression that people responsible for enforcing the policy are matching their actions to their rhetoric, the university will lack credibility and will be ineffective in reaching its stated goal of eliminating sexual harassment.
PFMO - June 7, 1991

PROBLEM

--- General
--- Enactment of AS-344-90

--- Conflict of interest

--- Roles:
--- Advisor/advocate
--- Investigator (AS-344-90)

--- Procedure:
--- Breaches of procedure
--- Interviews

RECOMMENDATION

That AS-344-90, passed by the Academic Senate, be reconsidered. Specifically, the recommendation should be implemented that, "the Affirmative Action Officer (AAO) ... be responsible for all campus policies and programs dealing with sexual harassment." We also recommend that cost estimates for the Training Development Team specified in AS-344-90 be outlined; and that plans for training/education programs be developed & costs estimated.

Our current process almost guarantees a conflict of interest. We recommend that an independent off-campus group investigate all complaints of conflict of interest; and, if found valid, then the off-campus group should recommend a remedy.

That an "advocate" role be defined; that "advocates" be assigned all complainants; that a list of advocates be published; and those willing to be advocates be given release time for these activities.

That the Affirmative Action Officer be responsible for all campus policies, as stated in AS-344-90/PPC (Requires revision of AB 88-5)

That breaches in policy be reflected in the personnel files of those responsible for enforcement of the policy. Any established breach of policy should be handled in the established manner for correction, that is full documentation of oral warnings, written warnings, removal of duties. Because of the sensitive nature of policy management in this area, it is ESSENTIAL that all sexual harassment policy enforcers have credibility.

That interviews with complainants, respondents be taped. That within 3 days of interview, interviewees receive a transcript of the interview to review and correct. That Interviewees sign and return interview transcripts within 3 days of receipt.

That the investigative report be structured to comply with guidelines outlined in the Sexual Harassment Employment Investigator’s Handbook. The report should:
(1) Summarize statements of complainants/respondents;
(2) Identify undisputed issues; (3) Isolate issues to be addressed IN TERMS OF COMPLIANCE/NON-COMPLIANCE with the TERMS OF THE POLICY; (4) State conclusions as to the evidence. Transcripts may be included, for complete chronological information concerning the complaint. HOWEVER, the report should be concerned with analysis and evaluation of data, in terms of COMPLIANCE WITH THE POLICY.

---Educational action

That a department or unit undergo a training program (developed by the Affirmative Action Officer and paid for by dept. funds) each time there are two sexual harassment complaints lodged against a member (or members) of the dept/unit within the same calendar year.

---Evaluation of Process:
---Process violations

That responses to reports of procedural violations be considered separately from consideration of the claim. That records of procedural violations be filed with an off-campus body for independent consideration. That each validated report of procedural violation necessitate re-training.

---Process monitor

That the Status of Women Committee receive monthly summaries of the number of complaints received and the departments against which complaints have been made. That the Status of Women Committee receive copies of any complaints concerning failures of policy managers to comply with the investigation procedure.

---Education
---Adv/advoc/invest/admin

That a training program be developed, with plans for on-going training / retraining of all responsible for carrying out the policy & with costs outlined. That rejection of the plans not be acceptable without accompaniment of a viable alternative plan which meets the same goals. That advisers meet on a monthly basis for on-going training and information sharing. For example, advisers should be able to share information as to the nature and number of claims they are handling.

---Students/Faculty

That a publicity campaign/educational campaign be planned, to raise the level of awareness of sexual harassment policy (among students) from 16% to 80%.

---Publicity/brochures

That display of brochures on the sexual harassment procedure be mandatory in all departmental offices.
To: Margaret Berrio, Chair
   Status of Women Committee

From: Jan Pieper, Director of Personnel
      Anna McDonald, Director of Affirmative Action

Subject: Recommendations Regarding the Sexual Harassment Policy

Thank you for compiling the recommendations of the Status of Women Committee so that they could be discussed this summer by members of the Cal Poly administration. As I mentioned to you on the telephone, we had planned a series of meetings to discuss implementation of recommendations from other sources regarding the Sexual Harassment Policy. Therefore it was very helpful to have the recommendations from your committee to discuss at the same time.

We take note of the memorandum of endorsement from James Murphy, then Chair of the Academic Senate, who wrote, "I strongly endorse the position of the Status of Women Committee. While financial considerations must be taken into account, this is such a serious issue that it cannot be deferred any longer."

The meetings which took place this summer were productive, and there will be some major changes of policy interpretation as a result. Attending those meetings were -- in addition to ourselves -- Hazel Scott, Vice President for Student Affairs; Carl Wallace, Director of Campus Student Relations/Judicial Affairs; Alan Yang, Associate Vice President of Student Affairs; Mike Suess, Associate Director of Personnel and Employee Relations; and Barbara Melvin, Human Resources Manager.

In addition to reviewing video and written materials, the group discussed at length your committee's recommendations and those of others who had personally dealt with sexual harassment cases. It was agreed by the administrators concerned that:

-- The Affirmative Action Director will serve as the repository and a resource for all complaints, both formal and informal; and
-- The Affirmative Action Director will serve as a resource to sexual harassment advisors concerning approaches to informal resolutions, both internal and external to the university.
In responding to your specific recommendations, the group agreed as follows:

GENERAL:

-- Enactment of Academic Senate Resolution (AS-344-90). The Affirmative Action Director, as the repository and resource for all formal and informal sexual harassment complaints as well as a resource for sexual harassment advisors, will play a major role in the implementation of the campus Sexual Harassment Policy. She is also directly involved in the arrangement of training for campus personnel (administrators, faculty, staff and students). A training plan, with cost estimates, will be available soon. We believe this change in implementation responds to many of the concerns expressed in the Academic Senate resolution. (Training sessions are already scheduled for August 12 and 13 and September 23.)

-- Conflict of Interest. We are very concerned about conflict of interest, or even the appearance of conflict of interest. We will continue to make every effort to avoid conflict of interest in implementation of the Sexual Harassment Policy. Complaints of conflict of interest can be addressed to the Affirmative Action Director. We do not favor asking an off-campus group to investigate alleged conflicts.

ROLES:

-- Advisor/Advocate. Complainants, according to the policy, are free to choose a representative; these representatives -- sometimes union representatives -- may act as advocates at the request of the complainant. If you know of people who are willing to act as representatives/advocates, we would be glad to publish a list of those people willing to serve voluntarily. However, the policy clearly defines the role of "Advisor," which is to listen to the complaint and discuss various options: "The role of the Advisor is one of mediating between parties rather than the complainant's advocate. The complainant may seek an advocate from other sources" (Administrative Bulletin 88-5 -- Sexual Harassment Policy). As you know, the policy is designed to protect the rights of both the Complainant and Respondent. At the investigation stage, both parties have a chance to make oral and written statements regarding the allegations, in the presence of a representative of their choice.

-- Investigator. The current Affirmative Action Office staffing does not permit the Affirmative Action Director to personally investigate each sexual harassment complaint. However, as indicated in other areas of this response, the role of the Affirmative Action Director is being expanded in the area of sexual harassment.

PROCEDURE:

-- Breaches of Procedure. Complaints of breaches of procedure can be directed to the Affirmative Action Director. If such breaches occur, appropriate action will be taken. The Affirmative Action Director will make every effort to maintain credibility of Sexual Harassment Policy investigators.
-- Interviews. We do not concur that interviews with Complainants, Respondents, and witnesses should be taped, with transcripts provided. We believe recording has the potential of inhibiting the free flow of information. In addition, the extra costs and possible delays incurred as a result of such a formal process would need to be weighed against the advantages of a timely investigation and resolution of Complainants' allegations.

-- Preliminary Report. As you suggest, the Sexual Harassment Employment Investigator's Handbook provides useful suggested guidelines for investigators to use in drafting their reports. However, the policy purposely does not mandate a particular format.

-- Educational Action. The Affirmative Action Director will provide on-going training programs for the entire campus community, and for individual units as appropriate.

EVALUATION OF PROCESS:

-- Process Violations. Reports of procedural violations may be filed with the Affirmative Action Director. However, we do not concur that an off-campus body should be involved in considering such complaints.

-- Process Monitor. The Affirmative Action Director will provide periodic summaries of the number of sexual harassment complaints to the Status of Women Committee. Certain confidential information is not appropriate for circulation to the committee in a formal way. However, the Affirmative Action Director is willing to meet with the committee to discuss the policy and its implementation.

EDUCATION:

-- Advisors/Advocates/Investigators/Administration. The training program is being developed, and costs estimates will be available soon. Advisors will continue to meet for training and sharing information of a general nature with each other -- without revealing specific confidential information.

-- Students/Faculty. A publicity campaign is planned for Academic Year 1991-92, and will be ongoing. We appreciate the efforts of the Status of Women Committee to increase publicity regarding the Sexual Harassment Policy. Any additional efforts to aid in publicity will be gratefully accepted.

-- Publicity/Brochures. Brochures and posters will be distributed to all departmental offices, and we will request that they be prominently displayed. Perhaps the Academic Senate can encourage academic department heads/chairs to make sexual harassment materials more visible in departmental offices.
State of California

MEMORANDUM

To: Academic Senate  
From: James Murphy  
Senator At Large, SPS  
Industrial Technology Dept

Subject: Article 17, MOU, Faculty suspension; Section 366.3C, CBA

The proposed resolution as submitted by the Personnel Policies Committee does not adequately address the problem faculty may face when threatened with suspension from assigned teaching duties.

Under present regulations, any faculty member may be suspended by the President (or his authorized representative) with pay for an indefinite period of time, without formal notification of the charges against him/her.

In a recent situation, a faculty member was suspended with pay for one full quarter, then restored to full teaching duties. This person was not given formal notification of the reasons for the suspension, and therefore could not adequately defend against the allegations. While there was full restoration, the stigma of such an action can never be fully erased.

I have discussed Art 17 with Mr. Frank Rowan, Regional Service Coordinator for CFA. Mr. Rowan did not express any particular interest in Art 17, and in our discussions, seemed to defend the wording of Art 17.

I propose that in place of the resolution submitted by the Personnel Policies Committee, that the attached be substituted.
RESOLVED that the following language be included in Section 346.3 C, as paragraph 2:

2. When the President determines that there is strong and compelling justification to suspend a faculty member with pay, such suspension will not exceed three (3) days without formal written notice being provided the suspended faculty member by the President. Formal written notice will contain, as a minimum, the scope and specificity of any and all charges then identified.

Any suspension or intention to suspend a faculty member will only be done after consultation with the Vice President of Academic Affairs and the appropriate Dean.

Nothing stated herein is intended to usurp the legal authority of the President or any officers or Administrators of this University or to limit such persons from taking such action as necessary to ensure the safety and security of University staff and property.