I. Minutes

Dr. John Bedell, Chair
Academic Senate CSU

II. Announcements

The Chair requests written reports for this meeting.

III. Reports

The Chair requests written reports for this meeting.

IV. Committee Reports

The Chair requests written reports for this meeting.

V. Business Items

A. Endorsement of the Document Entitled "Responsibilities of Academic Senates Within a Collective Bargaining Context" (First Reading) (Weatherby)

This document was attached to the March 6, 1984 Senate agenda. Please bring it with you to the meeting, it will not be attached to this agenda.

B. Resolution Regarding EMSA's (Second Reading) (Conway) (Attachment)

C. Resolution on the Administration of General Education and Breadth (First Reading) (Gay) (Attachment)

D. Report on the Effect of the Collective Bargaining Agreements on Review, Grievance, and the Continued Existence of the Personnel Review Committee (First Reading) (Jankay/Terry) (Attachment)

E. Resolution on the Schedule for Curriculum Review (First Reading) (Crabb) (Attachment)

F. Resolution on Course Change Proposals (First Reading) (Crabb) (Attachment)

G. Resolution on Guidelines for Considering Course Duplication (First Reading) (Crabb) (Attachment)
WHEREAS, The CSU budget has been drastically cut back in recent years; and
WHEREAS, CSU student fees have risen dramatically to partially make up for these budget cuts; and
WHEREAS, EMSA funds must come from other areas of the CSU budget already hard hit; and
WHEREAS, Faculty workloads and class sizes have increased significantly over the last decade at the same time that salaries were losing 36% to inflation; and
WHEREAS, Due to the inadequate budget many departments cannot compete in the hiring marketplace for a quality faculty; and
WHEREAS, Offering token rewards to less than five percent of the faculty on this campus is yet another demeaning and demoralizing affront to faculty, staff, and students alike; and
WHEREAS, The EMSA fund amounts to a large sum of approximately one million dollars over the whole system; therefore be it
RESOLVED: That the faculty unit employees of California Polytechnic State University, San Luis Obispo, disapprove in principle the EMSA plan and the subsequent divisiveness it will cause on campuses already crippled by budgetary deficits; and be it further
RESOLVED: That any supplemental compensation efforts be applied to all the faculty unit employees in the CSU system on a uniform proportionate basis; and be it further
RESOLVED: That the faculty unit employees urge our CFA collective bargainers, the Board of Trustees, and the Chancellor of the CSU system to refrain from accepting divisive programs like EMSA until the merits of such plans can be discussed and studied more fully and until the budget situation in the CSU system begins to improve significantly.
RESOLUTION TO THE ADMINISTRATION OF GENERAL EDUCATION AND BREADTH

Whereas, in accordance with section 6 of the administration of General Education and Breadth document, which states "Final decisions on general education and breadth requirements, policies, and procedures will lie within the Office of the President",

Whereas, the President has asked for a review of section 2 of that document,

Resolved, that the wording in section 2, Distribution Area Subcommittees, be amended to: Senate caucuses will solicit and receive applications for membership on the Distribution Area Subcommittees. The slate of applicants will be forwarded to the General Education and Breadth Committee who will appoint members. In making these appointments the General Education and Breadth Committee shall seek to constitute reasonably balanced subcommittees, the majority of which will be chosen from the applicants whose teaching service areas, academic preparation, and/or professional activities are in the relevant distribution areas.
REPORT ON THE EFFECT OF THE COLLECTIVE BARGAINING AGREEMENTS ON REVIEW, GRIEVANCE AND THE CONTINUED EXISTENCE OF THE PERSONNEL REVIEW COMMITTEE

The Role of the PRC in Review and Grievance

The collective bargaining contracts streamline the review process. They neither provide for the PRC, nor eliminate it or comparable agencies of review on other campuses. According to Provost Fort, however, the PRC will not be involved in RPT cases in Spring 1984. Since the Unit 3 CFA contract covers the vast majority of faculty, the rest of this report will focus on the effect of the CFA Agreement on review and grievance procedures.

The Peer Committee review option is the only specified provision for a committee of faculty members to review and make recommendations on a given evaluation case. This process has many of the same features as the PRC, but there are important differences. The panel of eligible faculty members is chosen by the President instead of being elected by the faculty. There are restrictions imposed on who can serve on this committee that are not imposed on the PRC membership. Most importantly, the Peer Review Committee is formed only after the President's initial decision on any given case. Formerly the PRC gave its input prior to the President's decision and, hence, was likely to have a greater chance of influencing the eventual outcome of a case.

We now compare the grievance process that existed with CAM and E.O. 301 with that provided by the CFA Unit 3 Contract. We note that there are three bargaining unit contracts which affect constituents of the Academic Senate. However, in order to avoid the confusion which would be caused by including information from all three contracts, this report will cover only the Unit 3 contract. For reference, we provide a flow chart outlining the different avenues of consultative and appeal procedures.

The Unit 3 Contract contains two grievance procedures, Article 10 (Contract Grievance Procedure) and Article 16 (Faculty Status Grievance Procedure). According to Michael Suess (Director of Personnel Relations), Article 10 deals with disputes over the use, alleged violations, and interpretations of the Unit 3 Contract. Article 16, on the other hand, deals with negative decisions with respect to retention, tenure, and promotion. This subcommittee did not examine Article 10.

Grievance procedures begin with a negative decision from the president. Both sets of procedures ask for an attempt to settle informally. E.O. 301 (sections 1.1 and 4.0) suggests that good faith efforts should continually be made. Article 16 (sections 16.10 and 16.11) requires a meeting with the president to discuss a potential grievance.

Both procedures require formal filing.
A notice of grievance and proposed remedy (section 7.2) followed by a supplemental notice of grievance (section 7.3). The latter is to detail the grounds for grievance and may consist of a simple listing of alleged infractions.

The major difference is that Article 16 requires the grievant's entire case (description, evidence, and arguments) to be provided prior to the establishment of a Peer Grievance Committee or an Artitration Panel. E.O. 301 allows the case to be developed during the hearings and presented to the Grievance Committee.

Following filing, Article 16 offers either, but not both, of the two options by which the grievance is to be heard. These are the Peer Committee Review and Arbitration. There are subtle differences in the wording of the two (sections 16.13 and 16.14), e.g., unjustified decisions versus unreasonable decisions. It is not clear whether these subtle differences are intended to offer directions as to which option is to be used. With E.O. 301, filing was followed by the establishment of a Grievance Committee.

GRIEVANCE COMMITTEE

Establishment: A panel consisting of no less than 25% of all full-time faculty served as a pool (3.4). A list of potential members of a particular grievance committee was drawn from this pool (8.2). Each party, grievant or administrator, with or without cause, could strike names (8.3).

The major differences are that E.O. 301 provided a potentially large and diverse pool, and permitted parties to challenge the committee make-up. Article 16 requires a previous affiliation, allows for the current practice of restricting the pool size, and offers no provisions to alter the make-up of the committee for reasons of cause or otherwise.

CASE PRESENTATION

E.O. 301

Witnesses: all on duty persons except the president are expected to serve if requested (10.10).

ARTICLE 16

Witnesses: no provisions.
E.O. 301

Chairperson: Section 10.10 defines the duties of the chair.

Hearing: may be open or closed (10.4, 10.5, 10.6).

Attendance: presence of both parties required during the presentation of evidence (10.9).

Rebuttal: Sections 10.9.3 and 10.9.4 allow for rebuttals to evidence, testimony, and arguments presented by both parties.

Tapes: Section 10.14 requires a tape recording of the hearing and gives the grievant access to the tapes.

Decision: is to be based upon materials, evidence, and arguments presented (11.2). To find in favor of the grievant, the grievant's case must be in preponderance (51%).

Both E.O. 301 and Article 16 require reports and recommendations to be made to the president. With Article 16, no further avenues are available to the grievant. On the other hand, E.O. 301 allows the grievant to pursue Arbitration if the president disagrees with the Grievance Committee's recommendations (13.1). Article 16 provides arbitration as an avenue only in lieu of the Peer Grievance Option. Both E.O. 301 and Article 16 have specific procedures by which the arbitration agency is selected. Essential differences lie in the make-up of the Arbitration Panel, evidence to be considered, and the nature of awards.

ARTICLE 16

Chairperson: No provisions.

Hearing: apparently restricted to closed hearings (16.23 - 16.26).

Attendance: the grievant may meet with the committee to present issues (16.24). Note, evidence had already been presented at filing. An administrator may meet with the committee (16.25).

Rebuttal: Since the grievant's total case is made available at the time of filing, the administrator meeting with the committee could be a means by which the administration provides a rebuttal to the grievant's case. However, no provisions are made for the grievant to rebut the administration's arguments. In fact, the grievant may never be apprised of administration arguments.

Tapes: Article 16 does not really allow for a hearing as such. No provisions are made for recording any committee sessions.

Decision: is to be based upon evidence and presentations of both parties (16.26). The level of persuasion is not addressed.
E.O. 301

Make-up: Arbitration is to be considered by an agency arbitrator (14.7, 15.2).

Decision: is to be based upon the Grievance Committee report, materials considered by the Committee, Tapes, and the President's written decision (15.3).

Binding of Award: yes (15.9).

Nature of Award: may include retention, tenure, and promotion (15.7).

ARTICLE 16

Make-up: The arbitration panel consists of an agency arbitrator, administration representative, and a CFA representative (16.3).

Decision: is to be based upon evidence and arguments presented by both parties. This includes the filing package and testimony of witnesses called before the Panel (16.40).

Since membership is not otherwise defined, any or all members could be attorneys.

Binding of Award: yes (16.39).

Nature of Award: Section 16.38e specifically excludes retention, tenure, and promotion.

E.O. 301 allowed for the grievant to be apprized of the basis for the administration's case and for the grievant to prepare a rebuttal to this. This PRC provided the service of investigating possible infractions of the consultative process. Having access to other files (CAM 341.1A, paragraph 4), and interviews with all concerned parties, the PRC could make determinations of probable cause for grievance. This service may have alleviated unnecessary grievances by providing the relative merits of each party's positions. In addition, CAM provided avenues by which a candidate could gain a better understanding of the administration's position and by which he/she could respond to it. For example, CAM 341.1E required the administration to seek amplification. Cam 342.2, paragraph 2g, required the administration to meet with the candidate should the dean's recommendation have differed from the department's. The Unit 3 Contract does not have such provisions. It only provides for the candidate to respond to a recommendation (which may not be stated explicitly), by adding to the promotion package. With the Unit 3 Contract, grievance is the only method provided whereby disputes may be settled. Here, the grievant has limited access to information and evidence, and may never be apprised of the administration's actual case. Thus given the limitations of the Unit 3 Contract, the investigative efforts of the PRC could provide valuable services not otherwise available to both the administration and candidate.
CAM and E.O. 301

UNIT 3 CONTRACT

CANDIDATE

DEPARTMENT

DEAN

ACADEMIC V.P.

INFORMAL SETTLEMENT

GRIEVANCE

PRESIDENT

ARBITRATION

CANDIDATE

DEPARTMENT

ADMINISTRATIVE REVIEW

ARTICLE 10

INFORMAL SETTLEMENT

PEER GRIEVANCE

ARBITRATION

PRESIDENT
The Past, Present, and Future Role of the PRC

Information from the Archives and Senate Office files indicate the following:

1. The present PRC has been in existence, with some variations in its charge, since 1968;

2. During this time, the purpose of the Committee has been to:
   a. Review personnel actions taken in regard to promotions, reappointments, tenure, termination and sabbatical leave decisions, at the request of the individuals affected by such decisions, to determine if the proper procedures were followed;
   b. Review school and departmental personnel policies to determine if there are procedural irregularities, ambiguities, or other factors that lessen the objectivity with which such personnel decisions are made.

3. At all times, the role of the PRC has been advisory, to call attention to defects which may bias personnel considerations with the hope that such irregularities may be corrected. While it is difficult to measure the success of the PRC in quantitative terms vis-a-vis individual personnel actions, the Committee can properly claim to have instigated personnel policy reforms over the years;

4. Both variations and inadequacies in record keeping make it difficult to construct a won-lost tally for those faculty who have aired their cases before the PRC. Because different administrators react differently to PRC recommendations, the extent of PRC influence is unknown. For example, while an individual who has been turned down for promotion may get a favorable response by the PRC in terms of how the nonpromotion decision was reached, that individual may not be granted promotion by the University president in that promotion cycle, but may be promoted the next. Moreover, the PRC report may be of major or minimal consequence if a grievance is filed;

5. The PRC contacts individuals who have been adversely affected by personnel decisions to inquire as to whether they want the PRC to investigate the decision. Many faculty accept this opportunity while others do not. The PRC records are incomplete over the years to show (1) those adversely affected by personnel decisions; (2) the number who contact the PRC; (3) the PRC recommendation; and (4) the final action by the University president;

6. A strong case can be made that the PRC provides a useful function in its review of personnel policy documents; the PRC serves a symbolic role in that it does call attention to administrators of irregular procedures; second, it informs faculty that proper procedures have been followed--this is a safety valve role which is important; based on how University presidents have subscribed to PRC recommendations in personnel action disputes, the effectiveness of the Committee is less tenable. Since the power of the PRC is only advisory, it would be futile to measure its success by a ratio of recommended actions accepted by the University president.
7. The new CFA contract obviously lessens the influence of the PRC on this campus in personnel actions since it effectively eliminates the advisory role played by the PRC since 1968. This notwithstanding, however, the PRC may continue to provide a useful function for both faculty and administration on this campus by reviewing departmental/school policies relating to promotions, reappointments, tenure, termination and sabbatical leave decisions. The major benefit of such an advisory review would be to call attention to procedural defects in the policies evident by irregular standards or ambiguous language.

A vote of the PRC on October 21, 1983 indicated that a majority of our committee favored (8 yes, 4 no, 2 absent) the continuation of the PRC in its traditional role. We, therefore, recommend that the Academic Senate call upon the President to activate the PRC for the 1983-1984 academic year, conferring upon it the same powers of investigation it has had in the past.
RESOLUTION ON SCHEDULE OF CURRICULUM REVIEW

Development of curriculum is the responsibility of the faculty of each department. Obviously, the faculty of each department has the expertise and experience to develop the curriculum that will allow their students to get a well-balanced education in their chosen field. The decisions made by one department concerning faculty may impact on other departments within the University. It is important that a mechanism exists for the review of curriculum by the University faculty as a whole.

In the past the curriculum review process did not allow sufficient time for interaction between departments to take place. Often when problems or conflicts existed there was not enough time for the faculty involved to find solutions to the problems. When problems are not resolved by the faculty, decisions are often made by the administration, thus taking important curriculum matters out of the hands of the faculty. The following resolution proposes a change in the calendar of curriculum review which will hopefully result in an improved curriculum review process.

WHEREAS, The faculty in each department have been and must continue to be responsible for the development and evolution of their respective curriculum; and

WHEREAS, There is a need for greater interactions between departments concerning curriculum matters; be it therefore

RESOLVED: The administration of California Polytechnic State University adopt the following curriculum review calendar:

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>PROPOSED DATE</th>
<th>EXISTING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departments</td>
<td>School Deans</td>
<td>2/1</td>
<td>3/1</td>
</tr>
<tr>
<td>School Deans</td>
<td>Academic Senate</td>
<td>3/1</td>
<td>4/1</td>
</tr>
<tr>
<td>Academic Senate &amp; Academic Affairs</td>
<td>University President</td>
<td>6/15</td>
<td>6/15</td>
</tr>
</tbody>
</table>

With the above calendar the following schedule would be followed within the Academic Senate:

<table>
<thead>
<tr>
<th>DATE</th>
<th>PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/1</td>
<td>Curriculum packages to Curriculum Committee (CC)</td>
</tr>
<tr>
<td>3/25</td>
<td>Outline of curriculum changes from CC to all Senators</td>
</tr>
</tbody>
</table>
3/25 - completion of review

Review of curriculum by CC with input from Senators

5/1-6/10 Recommendation from CC to Academic Senate

The above process will allow all the Academic Senators to review curriculum changes early in the Spring Quarter as the Curriculum Committee begins its review process. Having early access to an outline of the proposed changes would allow time for all faculty to assess the impact of those changes on their own programs. The above schedule will also allow for a greater period of time during which problems can be expressed and problems solved by the faculty concerned.

Those problems which remain unsolved by the time the Academic Senate considers the recommendations of the Curriculum Committee could be brought to the floor of the Senate by the Curriculum Committee or by concerned faculty.
ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION ON COURSE CHANGE PROPOSALS

A part of the curriculum review process that is time consuming and critical is the consideration of changes to existing courses. Justification is required for new courses but not for changes in existing courses, yet some changes to existing courses can be significant and have impact on other degree programs. To assure that the review process by the Academic Senate includes considering changes to existing courses, the following resolution is proposed.

WHEREAS, The evolution of programs here at Cal Poly requires the periodic changes to existing courses; and

WHEREAS, The changes to existing courses may at times affect other programs at Cal Poly and those proposed changes should be carefully reviewed by the Academic Senate; therefore be it

RESOLVED: That the Office of the Provost develop and require the use of a "Course Change Proposal" form when the course change proposal includes a name description, prerequisite, or unit change. The form should include information such as the reason for the proposed change, whether the course is a duplication or approximation of courses now being offered, whether the course is a required or elective course for any major outside the department proposing the change, information relative to staffing if the change included a unit change, and new facilities, materials, and equipment that might be required if the change is implemented.
ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION ON GUIDELINES FOR CONSIDERING COURSE DUPLICATION

WHEREAS, It is desirable to avoid considerable course duplication; therefore be it

RESOLVED: That the following procedure should be followed by the Academic Senate Curriculum Committee when new courses or course revisions are proposed that appear to duplicate existing courses.

A. The Curriculum Committee will study the following for the courses that appear to be presenting duplicate coverage.

1. Course descriptions.
2. Texts.
3. Expanded course outlines.
4. Course syllabi.

B. If as a result of the study of the above, duplication is thought to be significant, the Curriculum Committee will proceed as follows.

1. Consult with the instructors who teach or will teach the courses involved to see if an agreement can be reached that will avoid significant duplication. (This may involve changes in the course descriptions, etc.).

2. If the problem is not resolved by Step 1, refer the matter to the appropriate Academic Coordination and Liaison Council (if such are established and one exists for the courses in question) or consult with the department heads and/or deans concerned.

3. Study the information obtained from the above steps and make a recommendation to the Academic Senate. The Curriculum Committee should keep records of the consultations and any agreements reached. Copies of any agreements regarding course coverage should be sent to the departments concerned.