Regular Meeting

Tuesday, October 14, 1969
3:00 p.m. - Staff Dining Room

AGENDA

I. Call to order

II. Approval of minutes of June 3, 1969

III. Information Items
1. Committee assignments & nominations
2. Progress and status of previous Academic Senate recommendations
3. Schedule of regular meetings - Fall Quarter
   - Tuesday, October 7 - Executive Committee - Ag. 138
   - Tuesday, October 14 - Academic Senate - Staff Dining Room
   - Tuesday, November 4 - Executive Committee - Ag 138
   - Tuesday, November 18 - Academic Senate - Staff Dining Room
   - Tuesday, December 2 - Executive Committee - Ag. 138
   - Week of December 8 - Academic Senate - Time & place to be announced
4. State Colleges' Academic Senate Report - Roy Anderson

IV. Business Items
1. Resolution on proposed change in Title V relating to approval of positions conferring tenure (Alexander)
2. Proposed revision of Administrative Bulletin 69-1, titled "Revised Faculty Grievance Procedures" (Sankoff)
3. Report of Personnel Policy Committee (Art Rosen)

V. Adjournment

Attachments:
1. Committee Assignment & Nomination
2. Revision of Faculty Grievance Procedures
3. Resolution of Title V
STANDING COMMITTEES IN THE ACADEMIC SENATE BY-LAWS

1. Budget Committee - apptd by Exec Comm - 2 yrs
   Jack Lewis 1971
   Tom Meyer 1971
   Alfred Andreoli 1970
   Wallace Burt 1971
   Art Wirshup 1970
   Dir of Bus Affairs
   Assoc Dir of Budgeting & Bus Affairs
   ASI representative

2. Curriculum Committee - apptd by Exec Comm - 2 yrs
   George Ikenoyama 1970
   John Stechman 1970
   Tom Carpenter 1971 (Price for 1970 only)
   Robert Andreini 1970
   Howard Walker 1971
   Assoc Dean of Curr & Instr
   College Librarian
   ASI representative

3. Election Committee - apptd by Exec Comm - 2 yrs
   John Stuart 1971
   Roland Pautz 1971
   Dan Sobals 1970
   Sheldon Harden 1971
   Fred Clogston 1970

4. Instruction Committee - apptd by Exec Comm - 2 yrs
   Tom Johnston 1970 (New Senator from Architecture)
   Richard Johnson 1970
   Otto Davidson 1971
   Ena Marston 1970
   Harry Finch 1971
   Head, Audio Visual
   College Librarian
   Assoc Dean of Acad Planning
   ASI representative

5. Personnel Policy Committee - apptd by Exec Comm - 2 yrs
   John Edmisten 1971
   Howard Rhoads 1971
   Ed Stoffel 1970
   Sarah Hardeman 1971
   Art Rosen 1970
   Dir of Personnel Relations
   ASI representative

Attachment I-a
Ac. Sen. - Agenda
Oct. 14, 1969
6. Student Affairs Committee - apptd by Exec Comm - 2 yrs
   Joe Greenberg 1970
   Roland Pautz 1970
   Herbert Miles 1971
   Dwayne Head 1970
   Dave Thomson 1971
   Dean of Students
   ASI officer
   ASI representative

7. Faculty Personnel Grievance Committee - elected - 3 yrs
   Hans Mager 1970
   William Phillips 1971
   Wes Ward 1972
   Frank Fox 1971
   Leo Sankoff 1972
   Orien Simmons 1970
   Clifford Price 1971
   Joy Richardson 1972
   Ed Jorgensen 1970
   Fuad Tellew 1971
   Robert Boothe 1972
   A. L. Houk 1970
   Vol Folsom 1971
   Art Rosen 1972
   (To be elected in Agr)

8. Personnel Review Committee - elected - 2 yrs
   Robert Asbury 1970
   Emmet Bloom 1971
   Ed Strasser 1970
   Marvin Brown 1970
   Robert Frost 1971
   Marcus Gold 1971
   Student elected by SEC, at least junior with at least 3 qu at CP

9. Research Committee - apptd by AS Chm - 3 yrs
   Dell Nickell 1970
   Harry Markos 1971
   Harold Cota 1971
   Clifton Swanson 1970
   Norman Eatough 1972 (Appl Sci)
   An Instructional Dean
   Dir of Bus Affairs
   Foundation Bus Mgr
   Dir of Institutional Research

Attachment I-b
Ac. Sen - Agenda
Oct. 14, 1969
10. Fairness Board - apptd by AS Chm - 2 yrs
Robert Asbury 1971
Glenn Salo 1971
Joy Richardson 1970
Robert Cleguth 1971
Fred Clogston 1970
Glenn Rich 1971
ASI representative, at least a junior with not less than 3 quarters at Cal Poly

11. Faculty Library Committee - apptd by AS Chm - 2 yrs
Ray Nordquist 1970
Donald Grant 1971
Gregg Macy 1970
Gerald Westesen 1971
Harold Cota 1970
Harry Honegger 1971
John Mott 1970
Sarah Burroughs 1971
Charles Dills 1970
Robert Rodin 1971
Professional Consultative Services
College Librarian
Dean of Applied Sciences

NOMINATIONS TO COLLEGE STANDING COMMITTEES (CAM 170ff) 1 yr

A. Academic Council - William Alexander

B. Administrative Council - John Lowry

C. Automatic Data Processing - Wayne McMorran

D. Campus Planning Committee - Tom Meyer

E. College Committee on Committees - Bart Olson

F. College Store Advisory Committee - Bill Troutner (1970)
   Roy Anderson (1971)

G. College Union Board of Governors - Harry Finch (1970)
   Bill Johnson (1971)

H. Commencement Committee - Barron Wiley

I. Coordinating Committee for Teacher Education - Rex Hutton

J. Disaster Committee - Bill Phaklides

K. Discrimination Study Committee (Campus Sub-Committee) - Nancy Jorgensen
L. Graduate Study Committee - Vic Wolcott
M. Instructional Department Heads' Council - (None Required)
N. Instructional Materials Program Committee - Herman Rickard
O. Off-Campus Facilities Use Committee - Paul Dempsey
P. President's Council - Dave Grant
Q. Radiation Safety Committee - (None Required)
R. Registration and Scheduling Committee - Charles Hanks
S. Student Persistence Committee - Thomas Johnston, Robert Hooks, Ed Garner, Max Darnielle, Hewitt Wight, Gene Smith (Dept Head)
T. Learning Resources Committee - K. G. Fuller, Erland Dettlof (Educ, Psych)
V. Athletic Advisory Commission - Charles Elston
   Foundation Board - Dave Grant
   Race Relations Committee - Dan Sobala (1970), Robert Hansen (1971)

AD HOC COMMITTEES

Summer Work Hour Schedules - Ernie Miller, Corwin Johnson
Outdoor Meeting Areas - Ben Polk
Faculty/Staff/Students "ID" - Weston McCormac
Budget Committee (Communications) - Harmon Toone
REPRESENTATIVES ON STUDENT GOVERNMENT COMMITTEES - apptd by AS chm - 1 yr

Advisory Commission - Gordon Silver
Interhall Council - Roger Sherman
Poly Royal Board - O. J. Falkenstern
Review Board - Teymoor Gedayloo, Warren Farrell
Student Affairs Council - Bart Olson
Student Executive Cabinet - Glenn Seeber
Student Judiciary - (To be elected by the Academic Senate; the Exec Comm is nominating Richard Carsel)
Student Publishers' Board - Robert Andreini
Summer Interim Committee - William Alexander served in 1969
PROPOSED REVISION OF ADMINISTRATIVE BULLETIN 69-1
TITLED
REVISED FACULTY GRIEVANCE PROCEDURES

1.0 Background

1.1 The Academic Senate approved the revised procedure on January 28, 1969.

1.2 An amendment adding section 3 was approved by the Senate on February 11, 1969.

1.3 The resulting Administrative Bulletin 69-1 was issued on February 17, 1969.

1.4 The 69-1 was sent to the office of General Counsel of the Chancellor's office for review and comment.

2.0 Response

2.1 On April 2, the office of General Council replied with fourteen specific suggestions for improvement. These suggestions are identified below by "OGC."

2.2 The Grievance committee made several proposed changes to incorporate most of the suggestions. These changes are shown below as "CHANGE."

2.3 On May 23, Grievance Committee chairman Leo Sankoff forwarded these changes and comments about them to the Chairman of the Senate. The comments are identified below by "COMM."

3.0 Results

OGC-1 ".....some provision should be made for making the Procedures available to the faculty."

COMM-1 "The committee felt that procedures now in use were adequate. The Procedures are available through the College Administrative Manual (CAM) .....and announcements in Cal Poly Report.

OGC-2 ".....provide for a procedure to be followed if a sub-committee member becomes unavailable part way through a grievance hearing."

COMM-2 "A section was added to paragraph 1.235.....".

CHANGE 1.235 Members of the sub-committee will be appointed by the chairman of the Committee from the committee members who have not been disqualified. The sub-committee will select its own chairman. IN CASE A SUB-COMMITTEE MEMBER BECOMES UNAVAILABLE, THE CHAIRMAN OF THE GRIEVANCE COMMITTEE MAY APPOINT ANOTHER MEMBER TO THE SUB-COMMITTEE OR DIRECT THE REMAINING MEMBERS TO CONTINUE WITH THE HEARING. THE ACTION TO BE ENDORSED BY THE GRIEVANT AND PERSONS DIRECTLY INVOLVED.

OGC-3 "Since a grievance can (also) arise out of actions of committees.....and from working conditions, paragraph 2.11 should be modified......".

Attachment II
Academic Senate
Agenda June 3, 1969
COM-3 "This section was revised by the addition of eight words."

CHANGE 2.1 DEFINITIONS

2.11 A grievance is a complaint arising out of an alleged unauthorized or unjustified action by an administrative officer which in any affects the employment status or other rights or privileges of the faculty, or any other grounds related to Section 1.11. Administrative officers, for this purpose shall include department heads, deans of schools and other officers of the College.

OGC-4 "The exception in subparagraph 2.22 should be conditioned by adding a phrase such as:

"subject to the limitations contained in para. 3 of Revised Grievance Procedures approved by the Board of Trustees on June 27, 1968".

COM-4 "A whole paragraph was added....."

CHANGE 2.22 The discussions will be private and all matters presented will be held in confidence by all parties involved except that the matters discussed may be presented at subsequent hearings. But at no time shall any of the persons directly involved in the case or any other persons use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussions for the purpose of strengthening the case for or against persons directly involved in the dispute or for any other purpose other than the settlement of the grievance.

OGC-5 "In subparagraph 2.31,...... indicate that the official form...... appears on the reverse side of page 5......."

COMM-5 "We.....deleted several words and added additional sentences 

............"

CHANGE 2.3 FORMAL GRIEVANCE PROCEDURES

2.31 If the problem has not been resolved by means of informal discussion as outlined in 2.2, the faculty member may file a formal grievance. THE GRIEVANCE SHALL BE FILED NO LATER THAN ONE YEAR AFTER THE GRIEVANT LEARNS OF THE OCCURRENCE OF THE ACT GIVING RISE TO THE GRIEVANCE. For any requests received after April 30, if accepted for a hearing, the beginning of the hearing may, at the committee's discretion, be scheduled early in the fall term. The grievance shall be fully defined and documented in writing on the official form, FACULTY GRIEVANCE Form, and shall be presented in the following sequence as necessary:

OGC-6 "......a time limit within which the subcommittee ......must be appointed should be added to subparagraph 2.342."

COMM-6 "We changed 2.342 to 2.341 because there was no 2.341 and added a short phrase....."

OGC-7 In subsection (6) of subparagraph 2.342, reference is made to the nonadmissibility of hearsay evidence. The concept of hearsay and the exceptions to the hearsay rule, as this rule is understood in the California courts, is a difficult one.
Rather than bring such a complex area of the law into what otherwise should be a relatively simply proceeding, if any limitation at all is desirable, we would suggest that it simply be that:

"Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions."

This is the formulation used in the administrative procedure act (Government Code Section 11513).

COMM-7 "We complied......by adding a portion......"

OGC-8 8. In subsection (12) of Section 2.342, reference is made to a transcribed record to be made by either party. Since the party preparing the record would have the self-serving job of editing the transcript, it would seem that all kinds of problems could be caused the college by such a rule. We would suggest instead that a member of the subcommittee or a stenographer assigned to the subcommittee keep a record (which need not be verbatim), or, more simply, that a tape recording be made of the grievance proceedings, with the tapes to remain in the custody of the president or of the chairman of the Grievance Committee.

COMM-8 "......removing item 12.......and substituting a new paragraph......satisfy(s) this section."

CHANGE 2.341. If the ad hoc committee decides there are grounds for grievance, the chairman of the Grievance Committee will, WITHIN 5 DAYS, appoint a sub-committee to hear and investigate the grievance. The following general principles and procedures will apply and except by mutual consent of the grievant and the sub-committee, the total time for hearing the grievance shall be limited to 20 days.

(1) The grievant shall have the right to assistance by persons of his own choice and may designate one of these persons as spokesman in presenting his case. Also, "persons directly involved" in the grievance have the same right.

(2) The sub-committee may have present such assistance as it deems necessary. The sub-committee may also ask questions, call additional witnesses, or seek additional information.

(3) Except as permitted in (4) below, the proceedings at all levels shall be open only to the grievant, "persons directly involved," their representatives, and to persons presenting information to the sub-committee while they are presenting such information or being questioned before the sub-committee concerning such information; and all matters presented shall be held in confidence by all parties and persons present.

(4) The grievant and "persons directly involved" may request that the sub-committee permit an observer(s) to be present, except that the entire proceeding shall be closed if requested in advance by the grievant.

(5) At any point in the proceedings prior to the time at which the sub-committee meets to consider its decision, the grievant may withdraw the grievance in writing with the consent of the sub-committee.
(6) In these proceedings, the technical rules of evidence and customary court procedures are not binding; however, every effort should be made to insure a fair hearing by disallowing hearsay and other unsupported evidence. BASED ON DIRECT SUPPORTED EVIDENCE, ANY RELEVANT EVIDENCE SHALL BE ADMITTED IF IT IS THE SORT OF EVIDENCE ON WHICH RESPONSIBLE PERSONS ARE ACCUSTOMED TO RELY IN THE CONDUCT OF SERIOUS AFFAIRS.

(7) Testimony will not be taken under oath.

(8) The grievant and "persons directly involved" in the grievance and their representatives may all present statements and ask questions of each other and the witnesses.

(9) The grievant and "persons directly involved" will be permitted to present their case as they deem necessary.

(10) The grievant and "persons directly involved" shall furnish the sub-committee with a list of witnesses they wish to have called. The sub-committee shall call all witnesses; however, the sub-committee chairman may limit the calling of witnesses, and the submittal of evidence subject to the wishes of the majority of the sub-committee.

(11) In reaching its decision, the sub-committee shall not consider or review any document or other material to which the parties to the grievance are not afforded access with ample time for response.

(12) A transcribed record of the proceedings may be made by either party providing the transcript is made available at cost to the other party and sub-committee if requested. THE COMMITTEE MAY ARRANGE FOR MAKING AN AUDIO TAPE OF ANY AND ALL PROCEEDING CONDUCTED BY THE HEARING COMMITTEE EXCEPT THOSE MEETINGS THAT THE COMMITTEE SHALL HOLD AT THE CLOSE OF THE HEARINGS FOR THE PURPOSE OF ARRIVING AT A JUDGMENT CONCERNING THE DISPOSITION OF THE CASE. THE TAPES TO REMAIN IN THE CUSTODY OF THE PRESIDENT OR OF THE CHAIRMAN OF THE GRIEVANCE COMMITTEE BUT MAY BE USED BY THE GRIEVANT UNDER SUPERVISION. COPIES OF THE TAPES MAY BE MADE AT COST TO THE REQUESTING PARTY.

OGC-9 ".....a time limit should be placed on the period during which the President must reach a decision in each case."

COMM-9 "We deleted a sentence,... and added a time limit....."

CHANGE 2.4 COMMITTEE REPORT AND APPEALS

2.41 The sub-committee shall make its report, with recommendations for settlement of the case, to the President of the College, with copies to the grievant and "persons directly involved" in the grievance within ten days after the conclusion of the hearings. The decisions of the President in each case are final on each campus. The decision of the President, THE DECISIONS OF THE PRESIDENT SHALL BE MADE WITHIN TEN DAYS OF THE RECEIPT OF THE REPORT AND except in rare instances and for compelling reasons, shall concur with the judgment of the sub-committee. In the event that the President's decision is not in accord with the sub-committee's judgment, the compelling reasons for his decision shall be stated in writing to the grievant and to the sub-committee. THE DECISION OF THE PRESIDENT ON EACH CASE IS FINAL AT THE CAMPUS LEVEL.
OGC-10 "...the implementation date set out in subsection 3.1 should be precised by deleting the last six words.

COMM-10 "We deleted the six words...."

CHANGE 3. EFFECTIVE DATE, COMMITTEE COMPOSITION, JURISDICTION

3.1 The provisions of these procedures shall be effective at the beginning of the Spring Quarter, 1969 and as seen thereafter as feasible.

OGC-11 11. A grievance procedure is initiated by the person aggrieved. A disciplinary procedure is initiated by or on behalf of the president of a state college for one of the causes listed in Education Code Section 24306. Given these definitions, it is obvious that no such creature as a "disciplinary grievance" as discussed in subsection 3.3, exists.

COMM-11 "We complied....by deleting several words and correcting a statement...."

CHANGE 3.3 These grievance procedures shall include disciplinary BE APPLICABLE TO grievances ARISING FROM DISCIPLINARY CASES (such as dismissal, suspension, and demotion) until such time as separate or specific DISCIPLINARY procedures may be established.

OGC-12 ".....set a time limit as to when one may initiate a grievance proceeding."

COMM-12 "We complied.....by setting a time limit of one year....in section 2.31.

CHANGE 2.31 appears after COMM-5 above.

OGC-13 ".....provide that Faculty Grievance Committee may establish such other rules, within the guidelines of the parent document, as are necessary."

COMM-13 We took no action on number 13 because we believed that the Grievance Committee could make suggested changes to the Academic Senate when they find it necessary and the committee thought trying to provide flexibility could possibly lead to abuse of these rules. In Section 2.31 the committee added FOR ANY REQUESTS RECEIVED AFTER APRIL 30, IF ACCEPTED FOR A HEARING, THE BEGINNING OF THE HEARING MAY, AT THE COMMITTEE'S DISCRETION BE SCHEDULED EARLY IN THE FALL TERM. This was done to relieve part of the overload that could occur, and did occur, last year when the grievances had to be heard after April 15 through until June.

4.0 Request for Approval

The faculty Grievance Committee requests that the Academic Senate approve these changes and inform the President, requesting Administrative Bulletin 69-1 be revised accordingly.

Leo Sankoff, Chairman
Faculty Grievance Committee
Whereas, The California State College Board of Trustees has proposed the authority now delegated to the President to make appointments which confer tenure will be retracted, and

Whereas, The Trustees have set October 29, 1969 as the date for a public hearing to be held in connection with the necessary amendment to the Administrative Code, Title 5, Section 42702, and

Whereas, There has been either minimal consultation or no consultation with the Council of State College Presidents, the Statewide Academic Senate, and the individual college senates and faculties regarding the proposed change, and

Whereas, The proposed change would reduce the authority of the presidents at a time when disruption and unrest at some colleges point toward the need for strengthening the authority of the president of the individual campuses, now therefore be it

Resolved, That the Academic Senate of California State Polytechnic College, San Luis Obispo, objects strenuously to the proposed retraction of authority of the President to make appointments which confer tenure, and be it further

Resolved, That the Academic Senate recommends to the President that he make known to the California State College Board of Trustees our strong objections to the proposed change.

Recommended by the Executive Committee of the Academic Senate
October 7, 1969

Attachment III
Ac. Sen. - Agenda
Oct. 14, 1969