AGENDA
SPECIAL MEETING

Staff Dining Hall
Tuesday, 28 January 1969
3:15 P.M.
D. Grant Presiding

I. Approval of minutes of January 14.

II. Business items
   A. Report from Grievance Committee (Leo Sankoff)
   B. Consideration of bylaws (Corwin Johnson)

III. Announcements
   A. Report of Auxiliary Services is available in faculty reading room.
   B. State-wide Academic Senate Report
   C. Race Relations Committee
   D. Coordinating Committee meeting
FACULTY GRIEVANCE PROCEDURES

1. THERE IS HEREBY ESTABLISHED A COMMITTEE TO BE KNOWN AS THE COMMITTEE ON FACULTY GRIEVANCES, HEREINAFTER TO BE REFERRED TO AS THE COMMITTEE:

1.1 PURPOSES

The purposes of the Committee shall be as follows.

THE COMMITTEE SHALL:

1.11 To hear and review grievances brought to it according to the procedures designated, grievances brought to it by academic employees concerning appointment, reappointment, reassignment, tenure, promotion, working conditions, benefits, layoff and reemployment, dismissal, suspensions, or demotion.

1.12 To recommend to the College President specific action which the committee believes will satisfactorily resolve the grievance.

1.13 To recommend to the Faculty-Staff-Council Academic Senate any changes which may improve grievance procedures. In future grievances.

1.2 MEMBERSHIP

1.21 The Committee shall consist of twelve members, three from each instructional school. Each member shall be a tenured, fulltime member (excluding administrative personnel) of the faculty with academic rank, with the rank of principal or principal vocational instructor. The Committee shall select its own chairman.

1.22 Members of the Committee will be appointed by the Chairman of the Faculty-Staff-Council Academic Senate on the recommendation of the Executive Committee, who are themselves members of the faculty with academic rank. Each member of the Committee shall be appointed for a term of three years, except that when originally appointed, terms of members shall be designated as follows: five one-third of the members, three years; five one-third of the members, two years; five one-third of the members, one year. In making recommendations for appointments to this Committee, every effort should be made to select from these eligible members of the faculty best qualified by wisdom, experience, and judicial temperament. When originally appointed, members of the Committee shall serve as an interim Committee for the balance of the academic year.

1.23 Five members of the A SUB-COMMITTEE shall be formed consisting of at least one member from each instructional school, will constitute a Sub-Committee to hear each grievance. Appointment of the Sub-Committee will be made within five days of receipt of the formal complaint as follows:

1.231 A committee member who is in the same department as the aggrieved individual grievant shall be automatically disqualified from serving on the Sub-Committee.
1.232 The chairman of the committee will consult with the president of the college and will disqualify any member that the president can show valid reason for challenging.

1.233 The chairman of the committee will consult with the aggrieved individual grievant and will disqualify any member that the aggrieved can show valid reason for challenging.

1.234 Any member of the committee may disqualify himself from hearing any case after giving valid cause.

1.235 Members of the sub-committee will be appointed by the chairman of the committee with the approval of the executive committee of the faculty-staff council, who are themselves members of the faculty with academic rank. Members of the sub-committee will be selected from the committee members who have not been disqualified. The sub-committee will select its own chairman.

1.236 If, at any time, the disqualification of members of the committee results in the non-availability of five eligible members with at least one from each instructional school, additional temporary members will be appointed in the same manner as provided for regular appointment to the committee.

1.24 The chairman and vice-chairman of the faculty-staff council academic senate and state-wide academic senators may not be called to serve as members of the committee.

1.25 Should any duly appointed member of the committee subsequently assume one of these offices, his position on the committee shall be considered vacated and another person will be appointed to fill the balance of the term to which he had been appointed.

1.26 Should any member of the committee be unable, for any reason, to complete a term for which he has been appointed, a replacement will be appointed to fill the balance of the term.

1.27 Should a member of the committee be granted an official leave for a period of time less than that remaining in his term, or in case an extended absence of a member shall seem likely to the committee because of illness or because of other reasons, a replacement will be appointed for the period of leave or other absence.

1.271 Should the committee be involved in a specific case at the time of the return of an absent member, the replacement member will continue as a member of the committee in all sessions dealing with that specific case until it is concluded. The returning member will resume membership on the committee in any new cases brought before the committee.
1.28 ANY MEMBER OF THE COMMITTEE MAY BE REAPPOINTED UPON THE EXPIRATION OF HIS PRESCRIBED TERM. IF THE COMMITTEE IS INVOLVED IN ANY SPECIFIC CASE AT THE TIME OF THE EXPIRATION OF THE TERM OF ANY MEMBER, THAT MEMBER SHALL CONTINUE TO FUNCTION AS A MEMBER OF THE COMMITTEE IN ITS DEALINGS WITH THE SPECIFIC CASE ONLY. UNTIL THE CASE IS CONCLUDED. ANY NEWLY APPOINTED MEMBER SHALL NOT BE CONSIDERED AS A MEMBER OF THE COMMITTEE IN RELATION TO ANY CASE CONTINUING FROM A TIME PRIOR TO HIS TERM. HE SHALL, HOWEVER, SERVE AS A MEMBER OF THE COMMITTEE FOR ALL OTHER MATTERS, BEGINNING WITH THE FIRST DAY OF HIS DESIGNATED TERM OF SERVICE.

2. GRIEVANCE PROCEDURES

2.1 Rights-of-the-Faculty

Every faculty member is guaranteed the right to a full and fair hearing of any grievance, a prompt decision at the department or school level, and an appeal for review in accordance with these rules. The faculty member shall have the right to assistance by any person of his own choice in preparing and presenting his grievance.

2.2 The proceedings at all levels shall be private, and all matters presented shall be held in confidence by all parties and persons present.

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 WAY AFFECTS THE EMPLOYMENT STATUS OR OTHER RIGHTS OR PRIVILEGES OF A MEMBER OF THE FACULTY. ADMINISTRATIVE OFFICERS, FOR THIS PURPOSE, SHALL INCLUDE DEPARTMENT HEADS, DEANS OF SCHOOLS, AND OTHER OFFICERS OF THE COLLEGE.

2.12 FOR THE PURPOSES OF THESE PROCEDURES, THE TERM "DAYS" SHALL IN ALL INSTANCES BE CONSTRUED AS DAYS DURING WHICH THE COLLEGE IS IN REGULAR SESSION AND THE ACADEMIC PROGRAM IS BEING CARRIED ON, AND SHALL EXCLUDE SATURDAYS, SUNDAYS, AND ALL ACADEMIC RECESSES AND DAYS THAT EITHER THE GRIEVANT OR THE ADMINISTRATIVE REVIEWING OFFICERS ARE ABSENT FROM THE CAMPUS ON OFFICIAL LEAVE.

2.13 AS USED IN THESE PROCEDURES, THE PHRASE "PERSONS DIRECTLY INVOLVED" MEANS THOSE WHO MADE THE DECISION(S) ABOUT WHICH THE GRIEVANT SEEKS A HEARING.

2.14 FACULTY MEMBER IS ANY TEACHING STAFF AND ANY OTHER ACADEMIC EMPLOYEE HOLDING RANK IN A DISCIPLINE, AND PROFESSIONAL LIBRARIANS.

2.2 Informal Discussions

2.21 ANY FACULTY MEMBER WHO BELIEVES HE HAS A GRIEVANCE SHALL MAKE A GOOD FAITH ATTEMPT TO RESOLVE THE PROBLEM BY DISCUSSING THE GRIEVANCE WITH THE HEAD OF HIS DEPARTMENT AT THE EARLIEST OPPORTUNITY. IF THIS ATTEMPT IS UNSUCCESSFUL, HE MAY MAKE A SIMILAR ATTEMPT TO RESOLVE THE PROBLEM IN CONFERENCE FIRST WITH THE DEAN OF THE SCHOOL AND IF NOT RESOLVED AT THAT LEVEL, WITH THE PRESIDENT OF THE COLLEGE OR HIS DESIGNEE.
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.

2.3 FORMAL GRIEVANCE PROCEDURES

2.31 IF THE PROBLEM HAS NOT BEEN RESOLVED BY MEANS OF INFORMAL DISCUSSIONS AT THE DEPARTMENT-OR-SCHOOL-LEVEL, AS OUTLINED IN 2.2, THE FACULTY MEMBER MAY FILE A FORMAL GRIEVANCE. THE ORDER OF APPEAL, IN PROPER SEQUENCE, IS AS FOLLOWS:

THE GRIEVANCE SHALL BE FULLY DEFINED AND DOCUMENTED IN WRITING ON THE OFFICIAL FORM, AND SHALL BE PRESENTED IN THE FOLLOWING SEQUENCE AS NECESSARY:

2.32 TO HIS DEPARTMENT HEAD: THE GRIEVANCE SHALL BE FULLY DEFINED AND DOCUMENTED IN WRITING TO HIS DEPARTMENT HEAD. THE DEPARTMENT HEAD WILL REVIEW THE GRIEVANCE AND WILL REPLY IN WRITING WITHIN FIVE DAYS. IF THE AGGRIEVED GRIEVANT IS NOT SATISFIED WITH THE REPLY, HE MAY PROCEED TO THE NEXT LEVEL OF APPEAL. HE MAY APPEAL TO HIS SCHOOL DEAN. FAILURE OF THE AGGRIEVED GRIEVANT TO TAKE FURTHER ACTION WITHIN FIVE DAYS OF THE RECEIPT OF THIS REPLY WILL CONSTITUTE A DROPPING OF THE GRIEVANCE.

2.33 TO HIS SCHOOL DEAN: THE GRIEVANCE SHALL BE FULLY DEFINED AND DOCUMENTED IN WRITING TO HIS SCHOOL DEAN. THE SCHOOL DEAN WILL REVIEW THE APPEAL AND WILL REPLY IN WRITING WITHIN TEN DAYS. IF THE AGGRIEVED GRIEVANT IS NOT SATISFIED WITH THE REPLY, HE MAY PROCEED TO THE NEXT LEVEL OF APPEAL. HE MAY MAKE AN APPEAL TO THE GRIEVANCE COMMITTEE. FAILURE OF THE AGGRIEVED GRIEVANT TO TAKE FURTHER ACTION WITHIN TEN DAYS OF THE RECEIPT OF THIS REPLY WILL CONSTITUTE A DROPPING OF THE GRIEVANCE.

TO THE COMMITTEE: THE GRIEVANCE SHALL BE MADE IN WRITING TO THE CHAIRMAN OF THE COMMITTEE ON FACULTY GRIEVANCES, WHO WILL INITIATE THE FORMATION OF THE SUB-COMMITTEE TO HEAR AND INVESTIGATE THE GRIEVANCE.

2.34 TO THE CHAIRMAN OF THE GRIEVANCE COMMITTEE: THE CHAIRMAN WILL APPOINT AN AD HOC COMMITTEE WHICH WILL DECIDE ON THE BASIS OF WRITTEN STATEMENTS PRESENTED BY THE AGGRIEVED-PERSON GRIEVANT AND PRELIMINARY DISCUSSIONS WITH THE AGGRIEVED GRIEVANT WHETHER OR NOT THERE ARE SUFFICIENT GROUNDS TO HEAR A CASE AND WHETHER OR NOT THE AD HOC COMMITTEE SHALL ACCEPT WRITTEN STATEMENTS IN LIEU OF PERSONAL APPEARANCES BY WITNESSES. IF THE AD HOC COMMITTEE DECIDES THAT THERE ARE NOT SUFFICIENT GROUNDS TO HEAR A CASE AGGRIEVED-PERSON THEN IT SHALL RECOMMEND TO THE COMMITTEE THAT THE CASE BE CLOSED. THE COMMITTEE SHALL REVIEW THE RECOMMENDATIONS OF THE AD HOC COMMITTEE AND SHALL NOTIFY THE GRIEVANT OF ITS FINAL DECISION IN WRITING. THE AD HOC COMMITTEE SHALL RESPECT THE JUDGMENT OF A PRIOR FACULTY COMMITTEE ON MATTERS OF SUBSTANCE AS LONG AS THAT JUDGMENT IS BASED ON THE FACTS OF THE CASE.

2.34.2 IF THE AD HOC COMMITTEE DECIDES THERE ARE GROUNDS FOR GRIEVANCE, THE CHAIRMAN OF THE GRIEVANCE COMMITTEE WILL APPOINT A SUB-COMMITTEE TO HEAR AND INVESTIGATE THE GRIEVANCE. THE FOLLOWING GENERAL PRINCIPLES AND PROCEDURES WILL APPLY:
Procedures for the sub-committee in cases involving tenure, promotion, working conditions, layoff, and reemployment are as follows:

(1) In these proceedings, the technical rules of evidence and customary court procedures are not binding.

(1) The "persons directly involved" 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, any other "persons directly involved" in the grievance has the same right.

(2) Witnesses will not be sworn in.

(2) The grievance 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) Witnesses will not be cross-examined.

(3) Except as permitted in (4) below, the proceedings at all levels shall be open only to the grievant, participants, "persons directly involved," their representatives, and to persons presenting information to the grievance 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) Witnesses will testify only before members of the sub-committee, the party presenting his case at the time, and one representative of the other party.

(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 aggrieved grievant.

(5) Opposing parties will be permitted to present their case as they see fit. During the presentation, members of the sub-committee may ask only those questions which will clarify the point being made at the time.

(5) At any point in the proceedings prior to the time at which the sub-committee meets to consider its decision, a person bringing a grievance the grievant may withdraw the grievance in writing with the consent of the grievance sub-committee.
(6) Questions may be asked by any member of the sub-committee at the end of any witness's presentation or at the end of the presentation of the case.

(6) IN THESE PROCEEDINGS, THE TECHNICAL RULES OF EVIDENCE AND CUSTOMARY COURT PROCEDURES ARE NOT BINDING.

(7) The sub-committee chairman may limit the calling of witnesses and the submission of evidence subject to the wishes of the majority of the sub-committee.

(7) TESTIMONY WILL NOT BE TAKEN UNDER OATH.

(8) 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.

(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 "PERSON DIRECTLY INVOLVED" WILL BE PERMITTED TO PRESENT THEIR CASE AS THEY DEEMED NECESSARY.

(9) THE GRIEVANT AND "PERSON DIRECTLY INVOLVED" WILL BE PERMITTED TO PRESENT THEIR CASE AS THEY DEEMED NECESSARY.


(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.

2.54 The sub-committee shall make a decision in the form of a recommendation to the President of the College and shall also indicate what its decision is to the aggrieved faculty member, to the Dean of his School, and to the Head of his Department within three days of the completion of the hearing.
2.55 Appeal to the President of the College

The aggrieved shall have the right to appeal the recommendations of the sub-committee to the President of the College for a final review at the College level. The appeal must be filed in writing within five (5) days after notification of the sub-committee's recommendations. The President shall not delay his decision beyond a reasonable time.

2.4 COMMITTEE REPORT AND APPEALS

2.41 The grievance 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. The decisions of the President on each case are final on each campus. The decision of the President, except in rare instances and for compelling reasons, shall concur with the judgment of the grievance sub-committee. In the event that the President's decision is not in accord with the grievance sub-committee's judgment, the compelling reasons for his decision shall be stated in writing to the grievant and to the grievance sub-committee.

2.42 An aggrieved person may appeal to the Chancellor after the President's decision has been reached, if the President does not concur with the recommendations of the grievance sub-committee.

2.43 If the aggrieved grievant appeals, the Chancellor shall appoint a committee of three persons (from a previously selected panel) which is acceptable to the Chairman of the Academic Senate, CSC, which committee shall review the case and arrive at a decision which shall be binding on all parties. Provided that no decision may require an action beyond the authority of the California State Colleges. Following the committee's decision, the aggrieved grievant shall have no further appeal within the California State college system.

2.6 Time-Limits

Time-limits established by these rules may be extended by mutual agreement.

2.7 Further Appeal to the Board of Trustees

The foregoing procedures do not prohibit further appeal by the aggrieved as provided in the Educational Code of the State of California and Title V of the Administrative Code.