

**CALIFORNIA POLYTECHNIC STATE UNIVERSITY**  
**San Luis Obispo, California 93407**  
**ACADEMIC SENATE**

**Academic Senate**  
**Executive Committee Agenda**  
**February 25, 1992**  
**UU 220 3:00-5:00 p.m.**

<u>Member</u>	<u>Dept</u>	<u>Member</u>	<u>Dept</u>
Andre, Barbara	StLf&Actvs	Lomas, Charles	EngrTech
Andrews, Charles (C)	Actg	Mori, Barbara	SocSci
Botwin, Michael	ArchEngr	Murphy, James	IndTech
DeMers, Gerald	PE/RA	Peach, David	Mgtmt
Devore, Jay	Stats	Russell, Craig (Secty)	Music
Gamble, Lynne (VC)	Library	Shelton, Mark	CropSci
Gooden, Reginald	PoliSci	Vilkitis, James	NRM
Kersten, Timothy	Economics	<b>Copies:</b> Warren Baker	
Koob, Robert	VPAA	Glenn Irvin	
		Howard West	
		Geoff Austin	
		Kristin Burnett	

*2.4.92 minutes  
removed from  
materials*

- I. Minutes:  
Approval of the February 4, 1992 Academic Senate Executive Committee minutes (to be distributed).
- II. Communication(s) and Announcement(s):  
Changes in ELM Examination and ELM Program Procedures: Call for Questions (p. 3).
- III. Reports:
  - A. Academic Senate Chair
  - B. President's Office
  - C. Vice President for Academic Affairs' Office
  - D. Statewide Senators
- IV. Consent Agenda:
- V. Business Item(s):
  - A. Academic Senate/committee vacancies:

Academic Senate committees:

SAED	Constitution & Bylaws	('91-93 term)
	Elections	('91-93 term)
	Library (replcmt for P Pangotra)	('91-92 term)
	GE&B Blue Ribbon Committee (replcmt for Bilbija)	

Status of Women Committee:

Part-time faculty representative

GE&B Subcommittee Area E:

One vacancy + an alternate

University-wide committees:

University Union Advisory Board

Two vacancies (one member and one proxy; this is a voting position)

- B. Appointment of part-time representative to the Academic Senate for Spring Quarter 1992 - ROBERT SATER.

- C. Resolution on Research Committee Membership-DeMers, Chair of the Constitution and Bylaws Committee (p. 4).
  - D. Resolution on Committee Reporting-Chair of the Constitution and Bylaws Committee (p. 5).
  - E. Resolution on Majority Vote-Chair of the Constitution and Bylaws Committee (pp. 6-7).
  - F. Resolution on Appointment to Vacant Positions in the Academic Senate-Chair of the Constitution and Bylaws Committee (p. 8).
  - G. Resolution on Substitutes and Proxies-Chair of the Constitution and Bylaws Committee (pp. 9-10).
  - H. Resolution on Repeating of Courses for Credit-Murphy, Chair of the Instruction Committee (pp. 11-12).
  - I. Resolution on Change of Grade-Murphy, Chair of the Instruction Committee (pp. 13-15).
- VI. Discussion:
- A. Strategic Planning Document - PLEASE BRING YOUR COPY OF THE "FACULTY RESPONSE TO THE STRATEGIC PLANNING DOCUMENT" WHICH WAS SENT EARLIER UNDER SEPARATE COVER.
  - B. GLBU request for a "statement of support" regarding the draft City Ordinance entitled "Discrimination on the Basis of Sexual Orientation" (pp. 16-23).
- VII. Adjournment:

THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
400 Golden Shore  
Long Beach, California 90802-4275  
(310) 985-2933

RECEIVED

FEB 7 1992

Order: AAES 89-12  
Academic Senate

Date: January 31, 1992

To: Vice Presidents, Academic Affairs

From: Charles W. Lindahl *CWL*  
Assistant Vice Chancellor  
Academic Affairs

Response Optional  
by  
March 6, 1992

Subject: **Changes in ELM Examination and ELM Program Procedures: Call for Questions**

The nature and purpose of forthcoming changes in the Entry Level Mathematics (ELM) examination have been communicated to the campuses through issuance of Executive Order No. 582 (January 6, 1992) and earlier program messages (AAES 91-09, 91-28 and 91-54). Since issuance of Executive Order No. 582, several campus staff have telephoned with questions concerning practical details of implementing the new test and program guidelines.

As we all prepare for introduction of the revised ELM exam on May 9, 1992, we invite you to pose in writing any questions you may have concerning the new test and the program. The questions will be referred to Dr. Phillip Emig, CSU Faculty Consultant in Mathematics, and Mr. Kenneth Simms, Associate Dean, Academic Affairs. We will respond to all questions through a systemwide memorandum.

So that questions can be handled at an early date, please consult with appropriate campus staff and submit **at your option** by Friday, March 6, 1992, written questions to Mr. Kenneth A. Simms, Associate Dean, Academic Affairs. We suggest that questions be submitted through the Vice President's Office. If no questions are forthcoming from your campus, we will assume the policy messages are clear.

Please direct any questions concerning this message to Mr. Simms at (310) 985-2949.

KS:ap

Distribution: Presidents  
Vice Presidents, Administration  
Vice Presidents/Deans, Student Affairs  
Deans, Undergraduate Studies  
Deans/Directors, Admission and Records  
Chairs, Departments of Mathematics

Chairs, Campus Academic Senates  
Test Officers  
Coordinators, ELM Program  
Directors, Learning Assistance Centers  
Directors, Summer Bridge/ILE  
Legislative Analyst  
Chancellor's Office Staff



Adopted:

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS- -92/C&BC  
RESOLUTION ON ACADEMIC SENATE  
RESEARCH COMMITTEE MEMBERSHIP

- WHEREAS, Article VII.I.12.a.(1).(a) of the Academic Senate Bylaws has a technical mistake relating to election of members to the Research Committee, and
- WHEREAS, One does not have to be tenured or tenure-track in order to be a member of the committee, and
- WHEREAS, It is not intended that members of the Research Committee be elected solely by tenured and tenure-track faculty, therefore, be it
- RESOLVED: That Article VII.I.12.a.(1).(a) of the Academic Senate Bylaws read as follows:
- (a) one member shall be elected from each school and Professional Consultative Services ~~by the probationary and tenured members of the unit~~ by faculty unit employees from the school and Professional Consultative Services, respectively.

Proposed By: Academic  
Senate Constitution and  
Bylaws Committee  
February 25, 1992

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS 92/C & BC

RESOLUTION ON COMMITTEE REPORTING

- WHEREAS, Article VII.F. of the bylaws states that Academic Senate Committees shall report committee actions at each regular Senate meeting, and
- WHEREAS, This process would be time consuming, and
- WHEREAS, Committees are not currently reporting at Senate meetings, be it
- RESOLVED: That Article VII.F. of the bylaws read as follows:

F. Reporting

Each committee shall maintain a written record of its deliberations. ~~to be reported at each regular Senate meeting/~~ Minutes of each meeting shall be submitted to the Senate Office and shall submit a A summary year-end report shall be submitted to the outgoing Executive Committee before the June regular meeting of the Senate. Committees responsible to evaluate and/or prioritize applications of faculty members shall develop and publicize criteria to be used in the following year by May 1. The Senate shall be notified if this deadline cannot be met.

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS 92/C & BC

RESOLUTION ON MAJORITY VOTE

**Background Statement:** Complications with elections arise due to a requirement for a majority vote. There have been situations where elections resulted in no majority vote, even after several balloting processes. A majority vote consists of more than half of the ballots cast. Changing the term majority to plurality would eliminate many of these predicaments. Plurality is when a candidate has a larger vote than any other candidate.

- WHEREAS, The requirement of a majority vote results in complications with the election process, and
- WHEREAS, A majority requires more than half of the votes cast, and
- WHEREAS, Some elections result in no majority vote, even after several runoffs are held, and
- WHEREAS, A plurality vote consists of the election of a candidate with the most votes, and
- WHEREAS, A plurality would reduce the number of complication in an election, be it
- RESOLVED: That Article VII.I.5.b.(1).(e) and (f) read as follows:

- (e) Declare elected those candidates who receive votes from a ~~majority~~ plurality (most votes) of those voting in any given election.
- (f) Hold runoff elections in instances where a complete slate of persons is not elected by ~~majority~~ plurality vote. When

runoff elections are necessary, the number of candidates placed on the runoff ballot shall be twice as many as the number of persons to be elected, provided there are that many candidates who were not previously elected by ~~majority~~/ plurality vote.

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS 92/C & BC

RESOLUTION ON APPOINTMENT TO VACANT  
POSITIONS IN THE ACADEMIC SENATE

WHEREAS, Article VI.B.5 of the Academic Senate Bylaws needs to be edited to coincide with Article II.B. of the Bylaws, be it

RESOLVED: That Article VI.B.5. read as follows:

5. The filling of temporary vacancies in the membership of the Senate. In the case of vacancies among senators elected by a school or Professional Consultative Services, the other senators elected from the group shall be requested to furnish a nomination or nominations for each vacant position. The Executive Committee shall make an appointment to any vacant position to be effective ~~only until the next regular election for members of the Senate~~ until the end of the term or until the individual that vacated the position returns. Temporary administrative appointments of elected senators shall not constitute vacancies unless such appointments are still in effect on the first day of the academic year following the date of each appointment.



ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS 92/C & BC  
RESOLUTION ON SUBSTITUTES AND PROXIES

Background Statement: There are situations in which a senator may miss consecutive Academic Senate meetings. Currently the Academic Senate Constitution and Bylaws does not address extended absences and does not address replacement procedures for extended absences. In order to clarify procedures, the term substitute denotes replacement for extended absences (two or three consecutive absences) and the term proxy reflects an absence from one Academic Senate meeting.

WHEREAS, There are situations in which Senators will miss consecutive meetings of the Academic Senate, and

WHEREAS, Article II., D. and E. of the Academic Senate Bylaws does not specify procedures for extended absences, and

WHEREAS, Substitutes should be considered for extended absences, and

WHEREAS, Proxies should be considered for short term absences, and

WHEREAS, Substitutes and Proxies are currently eligible to vote at Academic Senate meetings, and

WHEREAS, There are no references relating to extended use of substitutes or proxies, and

WHEREAS, Selection of a substitute or proxy for extended absence from Academic Senate meetings is not addressed in the Academic Senate Bylaws; be it

RESOLVED, That Article II, Sections D and E be changed as follows:

D. SUBSTITUTES

When a senator must miss a senate meeting, or a portion of a meeting, the senator may select a member of her/his school who is eligible for election to the Senate, but not a member of the Senate, to serve as a substitute for that Senate meeting or portion of the meeting. The senator shall transmit in writing the name of the person to serve as her/his substitute to the Chair of the Academic Senate. Substitutes shall be counted in the determination of a quorum. meetings over an extended period of time (two or three consecutive meetings) the senator must notify the appropriate caucus chair relating to the planned absences. The caucus chair will solicit nominations for a substitute, who is eligible for election to the senate, from the senator's school. The caucus will then hold an election to decide who will act as a substitute. Substitutes shall be counted in the determination of a quorum and shall have voting rights. The caucus chair will transmit, in writing, the name of the substitute and the dates that that substitute will be in attendance at Academic Senate meetings to the Chair of the Academic Senate.

- E. When a senator must miss a Senate meeting or a portion of a meeting, the senator may select a member of her/his school who is eligible for election to the senate or another senator who is a member of her/his school to serve as her/his proxy. The senator shall transmit in writing the name of the person to serve as her/his proxy to the Chair of the Academic Senate. Proxies shall be counted in the determination of a quorum and will have the same right to vote as the senator who is absent.

Adopted:

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS- -92/IC  
RESOLUTION ON  
REPEATING OF COURSES FOR CREDIT

- WHEREAS, While the University Catalog identifies certain conditions whereby a student may enroll in a course more than once for the purpose of improving the student's grade point average, such conditions do not adequately address other factors relating to such repeats; and
- WHEREAS, Approximately 2,000 repeat petitions are submitted each quarter with an average of 3.5 units for each repeat, or approximately 23,450 units repeated each year, or with an average of fifteen units per student, or 1,563 FTE per academic year; and
- WHEREAS, Processing such repeats requires a significant amount of personnel time, approximating 1,000 hours a year, including "hard copy," checking for total units repeated, and routine, all-electronic processing; and
- WHEREAS, While data is not available to determine the specific reasons for repeating courses, such as those who earn a C- or higher, the Student Progress Committee and the Academic Senate Instruction Committee do not believe this is sufficiently significant to justify more detailed evaluation of this area; therefore, be it
- RESOLVED: That a student may enroll in a course more than once under the following conditions:
1. When repeating a course when the second grade earned replaces the first grade earned:
    - a. A course taken at Cal Poly or at another university or college in which a grade of D+ or less or a grade of U was received may be repeated here (at Cal Poly) with the new grade recorded along with the prior grade. No course shall be repeated if the grade earned in the original course was C- or better, CR, or SP. The grade earned by repeating a course will replace the quality points, quality hours, and earned hours which were previously earned. The student is referred to the appropriate section of the University Catalog dealing with authorized Incompletes for other grades including a grade of I.

RESOLUTION ON REPEATING OF COURSES FOR CREDIT  
AS- -92/IC

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- b. A course may not be repeated for Credit/No Credit if the student has previously received a letter grade for the course. A course may be repeated for Credit/No Credit only if the student previously received a grade of NC in that course. An original NC grade may be repeated for CR/NC or a letter grade, but not for improving grade point averages.
  - c. Undergraduate students may repeat up to twenty (20) units for grade point average improvement. Under terms of this rule, the first twenty units will automatically be recorded as repeated coursework for courses taken originally at Cal Poly. Courses taken elsewhere, and courses repeated at Cal Poly which are not identical to the original course in terms of content, description, or unit value, will be evaluated under the terms of this policy when the application for graduation is filed, or earlier, if the student makes a formal request through the University Records Office.
2. When repeating a course when all grades earned for the course are averaged:

Except where noted in the specific course description that the course may be repeated for credit, a student may not receive additional credit for any course in which a grade of C- or better, including a grade of CR, has been received. If the student repeats a course in which a C- or higher grade was earned, both grades will be calculated in the grade point average, but the duplicate earned units will not be counted toward the degree; and be it further

RESOLVED: That once the aforementioned policy has been applied, and a course has been repeated, the grade may not be changed except through petition, and only if the change is necessary for, and enables the student to graduate.

Proposed by the Academic Senate  
Instruction Committee  
February 25, 1992

Adopted:

ACADEMIC SENATE  
OF  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, California

AS- -92/IC  
RESOLUTION ON  
CHANGE OF GRADE

- WHEREAS, Title 5 of the California Administrative Code, Sections 40104 and 40104.1 authorize the Chancellor and the individual campuses to designate and assign grades for academic work; and
- WHEREAS, CSU Executive Order 320 (dated January 18, 1980) specifically provides mechanisms for faculty and students to ensure that their rights and responsibilities regarding the assignment of grades are properly recognized and protected; and
- WHEREAS, CSU EO 320 authorizes and assigns responsibility for providing policy and procedures for the proper implementation of the aforementioned principles; and
- WHEREAS, According to CSU EO 320, "faculty have the right and responsibility to provide careful evaluation and timely assignment of appropriate grades"; and
- WHEREAS, Such grade assignments are presumed to be correct, and it is the responsibility of anyone appealing an assigned grade to demonstrate otherwise; and
- WHEREAS, Every instructor, when assigning grades, strives for equity to all students, and in the absence of compelling reasons, such as instructor or clerical error, prejudice or capriciousness, the grade assigned by the instructor of record is to be considered final; and
- WHEREAS, The Academic Senate Fairness Board has been established for the primary purpose of hearing grievances regarding student challenges to grades assigned; and
- WHEREAS, Cal Poly has never developed a policy or procedures as provided for in CSU EO 320; therefore, be it
- RESOLVED: That the university recognize the prerogative of faculty to set standards of performance and to apply these standards to individual students; and be it further



RESOLUTION ON CHANGE OF GRADE  
AS- -92/IC

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RESOLVED: That the university will seek to correct injustices to students, while also believing that the instructor's judgement at the time the original grade is assigned is superior to a later reconsideration of an individual case; and be it finally

RESOLVED: That the following policy and procedures be adopted to apply to changes of grade:

POLICY

All course grades are final when filed by the instructor of record in the end-of-term course grade report. A student may request a change of grade under the conditions identified in the following paragraph. Such a request must be made no later than the end of the seventh (7th) week of the Fall, Winter, or Spring term following the award of the original grade.

A change of grade may occur only in cases of clerical error, administrative error, or where the instructor reevaluates the student's original performance and discovers an error made by the instructor or an assistant in calculating or recording the grade. A change of grade shall not occur as a consequence of the acceptance of additional work or reexamination beyond the specified course requirements.

Changes of Authorized Incomplete; Unauthorized Incomplete; and Satisfactory Progress symbols will occur as the student completes the required course work, and therefore such action does not normally require a request for a change of grade on the part of the student. Any other request for a change of grade will not be considered after one year from the end of the term during which the grade was awarded.

PROCEDURES

1. Every instructor is required to file assigned grades using the end-of-term course grade report. Each student will be notified by mail of the grades earned during the term, and these grades will become a part of the official record. As these course grades are considered final when filed, any changes in the filed

RESOLUTION ON CHANGE OF GRADE  
AS- -92/IC

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grades must follow these procedures.

2. A student may request a change of grade no later than the end of the seventh (7th) week of the Fall, Winter, or Spring term following the award of the original grade. If the instructor determines that there is a valid basis for the change, a Change of Grade form shall be used to notify the Records Office. These forms are available in department offices, and shall not be handled by the student. If the instructor determines that there is not a valid basis for changing the grade, and denies the student's request, that decision is final. The student may then file a petition with the Fairness Board on the basis of capricious or prejudicial treatment by the instructor.
3. In the event a Change of Grade form is completed and signed by the instructor, the form will contain a note identifying the reason for the change. The form will further be signed by the department head/chair before acceptance by the Registrar.
4. Any change of grade initiated after the end of the seventh (7th) week of the following regular term will be approved only under extraordinary circumstances. Any such request will carry an explanation of such circumstances, and will be signed by the instructor, department head/chair, and the dean before acceptance by the Registrar.
5. Grade changes after award of a degree or credential shall only occur as a result of a grade appeal.

Proposed by the Academic  
Senate Instruction Committee  
February 25, 1992



ASI Box #234, Cal Poly  
San Luis Obispo, CA 93407  
(805) 542-8514

**RECEIVED**

Date : February 18, 1992

FEB 18 1992

To : Charles T. Andrews  
Chair Academic Senate

**Academic Senate**

From : Jan E. Perez JEP  
Gays, Lesbians, Bisexuals United

Subject: Request a "statement of support" from the Academic Senate be sent to the City Council of San Luis Obispo in favor of a proposed ordinance that would make it illegal to discriminate in housing and employment on the basis of sexual orientation.

Background information: In the Fall of 1991 Governor Pete Wilson vetoed Assembly Bill 101; this bill, if passed, would have protected people from discrimination in housing and employment on the basis of sexual orientation. Shortly after AB 101's veto the local Gay and Lesbian Alliance, of San Luis Obispo, proposed to the City Council that they pass a local ordinance similar to that of AB 101. The proposed ordinance passed the Human Relations committee in January and is now scheduled to be voted on by the City Council on March 3, 7 pm at the Veterans Hall on Monterey street.

Overview of the ordinance: The ordinance would make it illegal for an employer to use a persons sexual orientation as the sole reason for not hiring that person or the sole reason for firing a person. This ordinance would affect all businesses within the city limits of San Luis Obispo and all city offices of San Luis Obispo.

Exemptions: Religious and non-profit organizations, and businesses with fewer than five employees.

The ordinance would make it illegal for the seller or renter of property to sue a persons sexual orientation as a reason for not selling or renting to that person. Additionally the ordinance would make it illegal for a lender not to lend money to a person for acquisition or repairs to property based on the persons sexual orientation.

Exemptions: Dwellings where the owner or family member lives in one of the units and a bathroom or kitchen facility is shared, or the structure contains less than three units.

Why the Academic Senate should support this ordinance: The proposed city ordinance would directly affect the faculty, staff and student body at Cal Poly. While on campus faculty, staff and students are protected from discrimination based on there sexual orientation by CSU policy, unfortunately there are no federal, state or local laws that extend this type of protection to people off campus.

Cal Poly has stated in the "Cal Poly Strategic Planning document 'Working Draft' - 1991-92",

" Cal Poly shall achieve cultural diversity, thereby improving the quality of life and education for all members of the Cal Poly community. The concept of of cultural diversity assumes recognition and respect for differences in age, county of origin, creed, economic background, ethnicity, gender, physical disability, race, and *sexual orientation* (17)."

## GAYS LESBIANS BISEXUALS UNITED

ASI Box #234, Cal Poly  
San Luis Obispo, CA 93407  
(805) 542-8514

The first goal listed on that page states that "Cal Poly shall take a leadership role....and enriching the social climate both on and off campus (17)." The proposed city ordinance falls directly in line with the goals and objectives that Cal Poly has set for its self.

Request: The Gays, Lesbians, Bisexuals United request the Academic Senate send the City Council of San Luis Obispo a "statement of support", before Mach 3, in favor of ordinance preventing discrimination on the basis of sexual orientation in housing and employment.

DRAFT

CHAPTER

DISCRIMINATION ON THE BASIS  
OF SEXUAL ORIENTATION

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Sections:

1.07.010	Definitions
1.07.120	Employment
1.07.030	Housing and Other Real Estate Transactions
1.07.040	Business Establishments and Practices
1.07.050	City Facilities and Services
1.07.060	Educational Institutions
1.07.070	Liability for Violation
1.07.080	Enforcement
1.07.090	Limitation on Action
1.07.100	Exception
1.07.110	Severability

1.07.10 Definitions

(a) "Business establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements shall be considered to furnish services to the general public if its membership requirements (1) consist only of the payment of fees; (2) consist of requirements under which a substantial portion of the residents of this City could qualify; or (3) consist of an otherwise unlawful business practice.

(b) "Employee" does not include any individual employed by his or her parents, spouse or child or any individual employment under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(c) "Employer" includes the City of San Luis Obispo and any person regularly employing five (5) or more persons, or any person acting as an agent of an employer, directly



or indirectly. An "employer" shall not include a religious association or corporation not organized for private profit.

(d) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(e) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(f) "Person" means any natural individual, person, firm, corporation, partnership or other organization, association, or group of persons however organized.

(g) "Sexual Orientation" means actual or supposed heterosexuality, homosexuality, or bisexuality.

#### 1.07.020 Employment.

##### (a) Unlawful employment practices.

(1) Discrimination by Employer. It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any person, or otherwise to discriminate against any person with respect to compensation, terms, conditions or privileges of employment on the basis (in whole or in part) of such person's sexual orientation.

(2) Segregation by Employer. It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or applicants for employment in any manner which would deprive any person of employment opportunities, or adversely affect his or her employment status on the basis (in whole or in part) of such person's sexual orientation.

(3) Employment Agency. It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment any person, or otherwise to discriminate against any person on the basis (in whole or in part) of such person's sexual orientation.

(4) Labor Organization. It shall be an unlawful employment practice for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any person, or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any person in any way which would deprive or tend to deprive such person of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis (in whole or in part) of such person's sexual orientation.

(5) Job Training. It shall be an unlawful employment practice for an employer, and employment agency or a labor organization to discriminate against any person in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis (in whole or in part) of such person's sexual orientation.

(6) Advertising. It shall be an unlawful employment practice for an

employer, employment agency or a labor organization to print, publish, advertise or disseminate in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which indicates an unlawful discriminatory practice based on a person's sexual orientation.

(b) Subterfuge. It shall be unlawful to do any of the acts mentioned in this Section for any reason that would not have been asserted wholly or partially, but for the sexual orientation of any person.

(c) Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.

(1) Nothing contained in this Section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.

(2) In any action brought under Section 1.07.080, if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, discrimination is in fact a necessary result of a bona fide occupational qualification; and (b) that there exists no less discriminatory means of satisfying the occupational qualification.

(d) Exceptions. It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide employee benefit system or plan (including, but not limited to, a contractual seniority system), provided such systems or plans are not a subterfuge to evade the purposes of this chapter.

#### 1.07.030 Housing and Other Real Estate Transactions.

(a) Unlawful Real Estate Practices.

(1) In General. It shall be an unlawful real estate practice for any person to interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof, to require different terms for such transaction, to include the terms or conditions of a transaction in real property any clause, condition or restriction, or falsely to represent that an interest in real property is not available for transaction on the basis (in whole or in part) of any person's sexual orientation.

(2) Credit and Insurance. It shall be an unlawful real estate practice for any person to refuse to lend money, guarantee the loan, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property, or impose different conditions on such financing, or refuse to provide title or other insurance relating to the ownership or use of any interest in real property, on the basis (in whole or in part) of any person's sexual orientation.

(3) Tenant's Services. It shall be an unlawful real estate practice for any person to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee on the basis (in whole or in part) of any person's sexual orientation.

(4) Advertising. It shall be an unlawful real estate practice for any person to make, print, publish, advertise or disseminate in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates or attempts to indicate any unlawful preference, limitation or discrimination based on a person's sexual orientation.

(b) Subterfuge. It shall be unlawful to do any of the actions mentioned in this Section for any reason that would not have been asserted, wholly or partially, but for the sexual orientation of any person.

(c) Exceptions.

(1) Owner Occupied and Small Dwellings. Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor or any member of his or her family occupies one of the living unites and either (a) it is necessary for the owner or lessor to use either a bathroom or kitchen facility in common with the prospective tenant, or (b) the structure contains less than three (3) dwelling units.

(2) Effect on Other Laws. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

1.07.040 Business Establishments and Practices.

(a) Unlawful Business Practice.

(1) In General. It shall be an unlawful business practice for any person to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any such person's sexual orientation.

(2) Credit. It shall be an unlawful business practice for any person to deny credit to any person on the basis (in whole or in part) of such person's sexual orientation.

(3) Advertising. It shall be an unlawful business practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment which indicates that such establishment engages or will engage in any unlawful business practice based on a person's sexual orientation.

(b) Subterfuge. It shall be unlawful to do any of the acts mentioned in this Section for any reason that would not have been asserted, wholly or partially, but for the sexual orientation of any person.

1.07.050 City Facilities and Services

(a) Unlawful Service Practices.

(1) City Facilities. It shall be an unlawful service practice for any person to deny any person the full and equal enjoyment of, or to place different terms and conditions on the availability of the use of any City facility on the basis (in whole or in part) of such person's sexual orientation.

(2) City Services. It shall be an unlawful service practice for any person to deny any person the full and equal enjoyment of, or to impose different terms or conditions on the availability of, any City service on the basis (in whole or in part) of such person's sexual orientation.

(3) City Supported Facilities and Services. It shall be an unlawful service practice for any person to deny any person the full and equal enjoyment of, or to impose different terms and conditions upon the availability of, any service, program or facility wholly or partially funded or otherwise supported by the City of San Luis Obispo on the basis (in



whole or in part) of such person's sexual orientation. This subsection shall not apply to any facility, service or program which does not receive any assistance from the City of San Luis Obispo which is not provided to the public generally.

(4) Advertising. It shall be an unlawful service practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any service or facility provided by either the City of San Luis Obispo or an organization described in subsection 3 which indicates that the City of San Luis Obispo or an organization described in subsection 3 engages in or will engage in unlawful service practices based upon a person's sexual orientation.

(b) Subterfuge. It shall be an unlawful discriminatory practice to do any of the acts mentioned in this Section for any reason which would not have been asserted, wholly or partially, but for the sexual orientation of any person.

#### 1.07.060 Educational Institutions.

##### (a) Unlawful Educational Practices.

(1) Admission. It shall be an unlawful educational practice for any person to deny any person admission, or to impose different terms or conditions on admission, on the basis (in whole or in part) of such person's sexual orientation.

(2) Services. It shall be an unlawful educational practice for any person to deny any person the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any service or program offered by an educational institution on the basis (in whole or in part) of such person's sexual orientation.

(3) Facilities. It shall be an unlawful educational practice for any person to deny any person the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any facility owned or operated by an educational institution, on the basis (in whole or in part) of such person's sexual orientation.

(4) Advertising. It shall be an unlawful educational practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to an educational institution which indicates that such institution engages in, or will engage in, unlawful educational practices.

(b) Subterfuge. It shall be an unlawful discriminatory practice to do any of the acts mentioned in this Section for any reason which would not have been asserted, wholly or partially, but for the sexual orientation of any person.

(c) Exception. It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preference to applicants of the same religion.

1.07.070 Liability. Any person who violates any provision of the chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court shall award to the person whose rights are violated, actual general and special damages, costs, and attorneys' fees. In addition thereto, the court may award punitive damages in a proper case.

#### 1.07.080 Enforcement.

(a) Civil action. Any aggrieved person may enforce the provisions of this

chapter by means of a civil action.

(b) Injunction.

(1) Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.

(2) An action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

(c) Criminal Action. Notwithstanding any provision of this code to the contrary, no criminal penalties shall attach to any violation of the provisions of this chapter.

1.07.090 Limitation on Action. Actions under this chapter must be filed within one (1) year of the alleged discriminatory acts.

1.07.100 Exception. No part of this chapter shall apply to any bona fide religious organization.

1.07.110 Severability. If any part of provision of this chapter or the application thereof to any person or circumstance is held invalid, then the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. to this end, provisions of this chapter, in whole and in part, are severable.



## CHARGE TO THE ACADEMIC SENATE BUDGET COMMITTEE

Based upon the comments made by Dr. Koob and by members of the Senate, I have followed through with the suggestions of asking for quantifiable data from Institutional Research for use in providing input into the current budget development process. The information which is being asked from Institutional Research represents the "short list" discussed in the Senate meeting of February 18. A significant addition is that the Budget Committee will be providing a cost analysis, where appropriate.

This information is for use of the Budget Committee. The Budget Committee is being asked to review the information, prepare appropriate cost analysis, and format the data in a manner useful to the Academic Senate Executive Committee. The Executive Committee will then prepare budget recommendations for Vice-president Koob.

*To go to the whole Senate before forwarding to Koob.*

### CURRICULUM

1. Patterns of delivering courses (lecture, lab, activity, etc.)
2. Size of sections
3. Grade distributions
4. Whether the program is accredited
5. Number of such programs in the CSU; California; USA

### FACULTY

1. Demographics (gender, ethnicity, etc.)
2. Specific qualifications appropriate to the discipline
3. Percent of tenure-track versus non-tenure track faculty
4. Average annual WTU taught per FTEF per department for each of the last five years
5. Average quarterly faculty student contact hour load by department
6. The percentage of department teaching load consisting of special problems, coop ed., internships, enterprise projects
7. Percent of teaching load is for lab; for activities
8. Percent of teaching load is for lecture hours

### STUDENTS

1. Average SAT scores of enrolled students
2. Average GPA of transfer students
3. Gender and ethnicity
4. Average quarterly class load enrolled in by major students
5. Student graduation rates
6. Student success rates (i.e., those who enter and eventually graduate)
7. Average length of time for students to graduate, by

degree

**PROGRAM PRODUCTIVITY**

1. Faculty positions used and faculty positions generated by department for each of the last 5 years
2. Staff positions used and staff positions generated by department for each of the last five years
3. Administrative time used and administrative time generated by department for each of the last five years.
4. Average total cost (salary, O&E, equipment, travel, telephone, etc.) per annual SCU taught by department for each of the last five years
5. Average total cost per FTE major student for your program for each of the last five years
6. Average annual

**DISCLAIMER:**

This information is for use of the Academic Senate Budget Committee. The information is purely based on quantitative criteria and in no way is meant to reflect a comprehensive program review.

1. The overall quality of a program is an essential factor in decision making. Although quality is always ultimately a subjective value decision there are many forms of supporting evidence that lead to conclusions regarding overall quality. For example, evidence of excellence in teaching, academic reviews, accrediting agency reports, reputation within the discipline and reputation across the campus, evidence of faculty/student scholarship, timeliness of the curriculum, currency of the faculty, efforts to mentor students and involve students in intellectual and creative pursuits, and published evidence of quality through independent surveys attest to qualitative achievements.
2. Centrality of a program or department to the University is a second consideration. Although also ultimately subjective, this criterion basically addresses whether a university might exist within its mission were this program to be eliminated. Also, the contributions of the program to the education of other central programs is equally important in considering centrality.

\*Additionally, any unit that did not receive across-the-board reductions last year should be examined for reduction prior to programmatic cuts.

3. Need is an important consideration. Both internal and external factors determine need. Internal considerations are related to the University's mission, its commitment to broad education and the overall commitment to a strong and balanced liberal arts and sciences curriculum which includes appreciation for applied and basic arts and sciences pursuits. External factors include the needs of our regional population, the traditional clientele we serve, the responsibility to educate for service professions important to our society, and to some extent, current student demand.
4. Our university is committed to fostering an appreciation of diversity that enriches our institution and creates an atmosphere that values all human potential. A curriculum and a faculty which embrace cultural diversity are essential. Because faculty and students who are themselves diverse, contribute to our ability to create this environment and better model a changing population, we believe that faculty and student diversity are worthy criteria when considering program merit.
5. Program size is a consideration. To be effective a program must have a sufficient number of scholars to provide a reasonable exposure to the discipline. This may mean the elimination of smaller programs. It may also be that some relatively large programs might actually operate just as effectively and certainly more efficiently with a narrower range of programs, activities, or with even fewer faculty.
6. When other factors are approximately the same, cost and resource generation are appropriate criteria. In determining cost the following factors are useful: S/F ratio, undergraduate/graduate education ratio, program administration costs, anticipated future outlays, and a judgment about maximum utilization of resources. When appropriate, the ability to generate outside revenue can be balanced against cost factors.