

CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

ACADEMIC SENATE

EXECUTIVE COMMITTEE - AGENDA

June 4, 1985

FOB 24B

3:00 p.m.

Chair, Lloyd H. Lamouria  
Vice Chair, Lynne Gamble  
Secretary,

I. Minutes

II. Announcements

III. Reports

Provost's Report

IV. Business Items

- A. Nomination of faculty representative on the Board of Directors of the Cal Poly Alumni Association/
- B. Resolution on Augmented Funds for CARE Grants (Gamble; Research)
- C. Fairness Board Description and Procedures **Draft** - to be distributed
- D. Academic Senate and Executive Committee meeting schedule for 1985-1986 - to be distributed
- E. Appointments to Academic Senate Standing Committees - please bring blue sheets (if not already turned in) and caucus appointments to committees
- F. Appointments to Universitywide committees

V. Discussion Items

- A. Executive Committee Responsibilities
- B. Summer Meeting Schedule

CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo

MEMORANDUM

TO: Reg Gooden, Chair  
Academic Senate

DATE: May 20, 1985

FROM: Marlin D. Vix *MDV*

SUBJECT: Hazardous Waste Storage Permit and Statement of Facts  
for California Polytechnic State University

The draft of the permit was issued on April 30, 1985 and all public comments are to be received in writing within 45 days of receipt of the notice. If the Academic Senate wishes to address this issue, and I hope it does, then time is of the essence.

Possibly the appropriate plan of attack is to have Richard Brug, the Director of Public Safety, address the Senate and discuss the nature and extent of toxic waste storage on campus. If this is not the appropriate course of action, possibly you have other suggestions as to how this issue can be more fully explained. The draft is full of legal descriptions and codes, etc., all of which could easily be clarified if one only knew the correct questions to ask. Unfortunately, I don't.

Here are some of the points of the draft I feel need further explanation:

- I B. "The Dept. of Health Services (DHS) Toxic Substances Control Division Chief has determined that this facility is exempt from CEQA as per Section 15301, Title 14, California Administrative Code (CAC)."

Why would Cal Poly want to be exempt from a regulation, especially if that regulation is to the benefit of the University? What is the law from which we are exempt?

- III C. "PCB waste shall not be stored for any period which exceeds that allowed in Title 40, CFR, Part 761."

How long is that?

- D. "A label shall be maintained on all containers in which hazardous wastes are stored for 90 days or more."

Why would PCB be stored 90 days or more? Why is it not being immediately shipped to a toxic waste disposal site? Is Cal Poly becoming a toxic waste disposal site - a permanent site - for our own waste?

Possibly the Senate should inquire of Mr. Brug:

1. What alternatives exist to the proposed on-site storage of PCB?
2. Is this a permanent site or merely a holding facility?
3. What other types of toxic waste will be stored on campus?

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FAIRNESS BOARD

Description and Procedures

DESCRIPTION

The Fairness Board (see CAM Appendix XI) is the primary campus group concerned with providing "due process" of academically related matters for the students and instructors at California Polytechnic State University, San Luis Obispo, particularly in terms of student/faculty relationships. The Board hears grade appeals based on the grievant's belief that the instructor has made a mistake, shown bad faith or incompetence, or been unfair. (For cheating, see CAM 674.3).

Although in grade appeals the Board operates under the presumption that the grade assigned was correct, should its members find that the evidence indicates that such was not actually the case, the Chair will recommend to the Provost that the grade be changed. In all cases, the Board's authority is limited to actions consistent with CSUC system policy.

PROCEDURES

- A. Any student who still feels aggrieved after requesting relief from both the instructor and the instructor's department head may initiate an appeal for redress by writing to the Chair of the Fairness Board. The Chair may counsel a student as to the relative merit of his or her case but must accept all written complaints which are ultimately submitted. The student's letter should contain all pertinent details of the situation, name the course, section, instructor and term in question, list any witnesses to be called, state redress sought and include as attachments all relevant documents, including items such as course grade determination handout, exams, papers, letters of support, etc. The student has the responsibility of identifying evidence to overcome the Board's presumption that the instructor's action was correct. If the Board decides the case may have merit, then the following actions will then take place:
  1. The Chair will forward a copy of the above letter to the challenged party and request his/her written reply to the Chair within one week of receipt. The Chair will share a copy of any reply with the student grievant.
  2. The Chair will make scheduling arrangements as soon as possible for the hearing which will be conducted informally. At least six Board members including at least one student must be present before a hearing may begin, and the same six members must be present for the full hearing.
  3. When a hearing is scheduled, the Chair will notify the Board's members and the two principal parties.
  4. Board members will disqualify themselves from participation in any case if they are a principal or if they feel they cannot be impartial.
  5. The Board will allow each principal party, who may be accompanied by his/her advisor, (not a practicing attorney of law) to present his/her case personally, call and question witnesses, and present exhibits. The Board may ask for copies of any material it believes relevant to the hearing. The student grievant will usually appear first.

# DRAFT

6. Each Board member may ask questions of either party or any witness.
  7. The Board itself may call witnesses or recall witnesses.
  8. The Board will handle all proceedings without undue delay, will keep a summary file of each case, and will tape record the hearing.
  9. The Board will close the hearing when satisfied that both sides have been fully heard.
  10. The Board will deliberate in private and will make a written summarization of the facts of the case and of the Board's reasoning in its recommendation to the Provost.
  11. The Chair will send a copy of its recommendation to each principal party, to the instructor's department head and to each Board member.
  12. Should any member (s) of the Board desire to file a minority recommendation, it will be attached to the Board majority recommendation.
  13. The Provost will inform the Board and each principal party what action, if any, has been taken. The Provost shall have final decision regarding any grade change, but if the recommendation of the Fairness Board is not accepted, the Provost shall indicate the reason(s) why in writing to the Board.
- B. The hearings are closed to all persons except the Board and the two principal parties and advisors. Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing room, but written statements from persons unable to attend are admissible. Exceptions to these rules are possible if the Board and both principals have no objections.
- C. In the event a situation arises wherein the Board unanimously deems the above rules inappropriate, the Board will modify its procedures to insure that fairness and justice prevail.

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APPENDIX XI

ACADEMIC SENATE  
FAIRNESS BOARD PROCESS

Unresolved problem exists between student and the University



Student is encouraged to go to the Counseling Center and to his or her advisor for the purpose of defining and clarifying the problem and achieving objectivity.



Student attempts to resolve the problem with appropriate party (e.g. instructor of record) and appropriate line of authority (e.g. instructor's Department Head).



Student feels that problem has not been resolved and consults with the Chair of the Fairness Board.



Student prepares a letter to the Fairness Board indicating his or her problem and submits it to the Board's Chair. The letter should:

- a) identify the course, section, term and instructor of record
- b) state complaint and redress sought
- c) indicate witnesses that may be called
- d) include copies of relevant documents such as course grade determination handout, exams, papers, statements of support made by others, etc.



Fairness Board reviews complaint and declares complaint to have:

MERIT

Board requests written response from instructor and schedules a hearing. If a resolution to the problem presents itself, the hearing may be terminated. If no resolution seems satisfactory to the Board and the principals, the hearing will lead to the Board making a recommendation to the Provost.

NO MERIT

Student may rebut with new evidence

MERIT

NO MERIT

MEMBERSHIP

One faculty member from each school and one member from Student Affairs, all appointed by the Chair of the Academic Senate for 2-year terms; 2 or 3 student members selected by ASI with no less than junior standing and 3 consecutive quarters of attendance at Cal Poly preceding appointment. In the event that any member is unavailable to participate, that individual member is asked to identify someone as a substitute who can continue through the entire case. Fairness Board Chair is elected by the Board.

First adopted by Academic Senate 4/18/69  
Revised 3/73, 10/75 and 4/84.