

CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO
ACADEMIC SENATE

EXECUTIVE COMMITTEE - AGENDA

April 1, 1980

AG 241

3:00 PM

Chair, Max Riedlsperger
Vice Chair, Stu Goldenberg
Secretary, Allan Cooper

I. Minutes

II. Announcements

III. Business Items

- A. Curriculum Committee Resolution on 470 Courses (Greenwald) TIME CERTAIN: 3:15 PM
- B. Interim Guidelines Governing Relationships with Employee Organizations (Goldenberg)
- C. Exclusion of Library from Chancellor's Office Policy on Replacement of Equipment (Slem)
- D. Faculty Office Hour Resolution (Goldenberg)
- E. Poly Royal Resolution (Bessey)
- F. Resolution Regarding Availability of Alcohol on Campus (Foutz)

IV. Discussion Items

- A. Grievance Procedures (Riedlsperger)

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION ON 470 COURSES

Background:

Until the advent of CARS/CDPS, subtopics were submitted directly to Educational Services by departmental schedulers and were not reviewed as a regular procedure by the school as a whole or by other schools or departments which might be affected. With the emergence of a need to assign catalog numbers to each subtopic for the course master file, a new procedure was instituted which required each subtopic request to be routed through the dean's office. The new procedures have also given greater visibility to 470 and 471 courses which already exist and which are being proposed. It is apparent that in both existing 470-471's and proposed 470-471's there are: instances which give rise to questions regarding the department which should most appropriately be teaching the courses; instances where questions of academic merit have been raised; instances where the topical nature of the courses has been challenged (Selected Advanced Topics); and questions regarding the maximum number of 470 and 471 units which can be earned by an individual.

The proposals accompanying this document assert the traditional prerogative of faculty to review curriculum and are designed to assure that 470 and 471 courses are subject to the same kind of review as other approved courses.

- WHEREAS, It is possible to create what are in effect new courses through the vehicle of 470 and 471 course numbers; and
- WHEREAS, Courses created as subtopics of 470 and 471 may currently be taught on a recurring basis; and
- WHEREAS, Provision has never been made for faculty review of courses so instituted; and
- WHEREAS, Serious questions have been raised regarding appropriate use of 470 and 471 courses; therefore be it
- RESOLVED: That an annual report on all courses offered under 470 and 471 numbers be reviewed by the Academic Senate Curriculum Committee

during the fall term of each year: and be it further

RESOLVED: That the Campus Administrative Manual be changed to read:

490.5 Courses Offered Under 470 and 471 Numbers

1. Courses offered under 470 and 471 numbers are for teaching topics which:
 - (a) are not intended for future inclusion as a regular course and would therefore typically be offered for only one quarter,
 - (b) are worthy of academic credit at an advanced level (upper division), and
 - (c) are designed for group study.
2. Courses offered under 470 and 471 numbers shall not be used as a substitution for courses specifically identified in a student's curriculum.
3. A department proposing a course under a 470 or 471 number must make sure that:
 - (a) such a course is clearly within the subject area of its own department, or
 - (b) the written approval of departments which may have a major interest in the subject area has been obtained, or
 - (c) substantive reason(s) for pursuing the course over objections can be offered.
4. The following review process shall be used for courses to be offered under 470 and 471 course numbers.
 - (a) A new course proposal form with an expanded course outline attached is forwarded to the departmental curriculum committee by the proposing faculty member(s).
 - (b) Only those proposals which have been approved by the departmental curriculum committee are forwarded to the department head.
 - (c) The department head forwards all of these proposals with his/her recommendations to the school/division curriculum committee.
 - (d) The school/division curriculum committee forwards all of these proposals with its recommendations to the dean of the school.
 - (e) The school/ division dean forwards all of these proposals with his/her recommendations to the Vice-President for Academic Affairs or his/her designee.

(f) The final decisions shall be made on these proposals by the Vice President for Academic Affairs or his/her designee.

5. Courses offered under 470 and 471 numbers are to appear in the Class Schedule. In order to meet Class Schedule deadlines, requests must reach the office of the Vice President for Academic Affairs for the fall quarter by April 17, for the winter quarter by September 18, for the spring quarter by December 8, and for the summer quarter by March 17.

And, be it further

RESOLVED: That Sections 490.5 and 490.6 be renumbered 490.6 and 490.7 respectively.

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION REGARDING INTERIM GUIDELINES GOVERNING
RELATIONSHIPS WITH EMPLOYEE ORGANIZATIONS

Background:

Faculty and certain other academic-related employees, such as librarians, student affairs officers, and student affairs assistants, have work schedules that fall between 7:00 AM and 10:00 PM, and often include weekends. It is necessary to clarify the definition of "normal work hours" so as to recognize this flexibility. The accompanying resolution suggests an appropriate clarification.

WHEREAS, Administrative Bulletin 79-2: Interim Guidelines Governing Relationships with Employee Organizations, satisfactorily defines the work time for some Cal Poly employees, but does not mention the irregular work schedule of faculty and certain other academic-related personnel; be it

RESOLVED: That the accompanying definition of work time be included in paragraph (e) of the section on Definitions in Administrative Bulletin 79-2 (new wording underlined):

- (e) "Work time" means time in which an employee is expected to be performing services for the campus. Work time normally would not include scheduled rest breaks and lunch periods. Normal work hours for faculty are defined as all student contact hours, i.e., classroom contact and office hours. Normal work hours for Librarians, Student Affairs Officers, Student Affairs Assistants and other employees are defined by the "C-4" work week, and consist of the flexible schedules that fall under that plan (See CAM Sections 370.1; . . .)

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION REGARDING EXCLUSION OF LIBRARY FROM
CHANCELLOR'S OFFICE POLICY ON REPLACEMENT OF EQUIPMENT

- WHEREAS, The Library provides direct instructional services to students, and research and other support services to students, faculty, and staff; and
- WHEREAS, These services are becoming increasingly dependent on all types of technological equipment, such as microform readers, audiovisual equipment, automated equipment, etc., for "hands-on" student use directly related to course work; and
- WHEREAS, A policy (BPA 78-50/EPR 78-49) is in effect prohibiting the use of the instructional equipment replacement budget for the replacement of Library equipment; and
- WHEREAS, Such a policy results in decreasing the effectiveness of the Library's direct and indirect instructional services; and
- WHEREAS, The students are deprived of the use of the collections and services that are dependent on the availability of such equipment; therefore be it
- RESOLVED: That the Cal Poly Academic Senate urges the CSUC Academic Senate to petition the Chancellor's Office to rescind the current policy (BPA 78-50/EPR 78-49) and to take steps to ensure that adequate funds become available to replace all obsolete and damaged Library equipment in order for the Library to provide adequate modes of service delivery.

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

FACULTY OFFICE HOUR RESOLUTION

- WHEREAS, CAM 370.2.F.1. states that "each faculty member must schedule and conduct at least one office hour each day (Monday through Friday) for consultation with students" even if the faculty member has no classes on that day; and
- WHEREAS, Other campuses in the CSUC do not require faculty to keep office hours every day of the week; and
- WHEREAS, President Baker is interested in creating an atmosphere at Cal Poly which will be more conducive to research and the days when faculty members have no classes on campus could be spent on off-campus research; and
- WHEREAS, The current energy situation makes it impractical to mandate that all faculty members come to school on those days when they have no classes for just one hour; therefore be it
- RESOLVED: That CAM 370.2.F.1. be deleted and replaced with the following statement:
- "In addition to scheduled classes, each full-time faculty member must schedule and conduct at least five (5) office hours each week (not more than two hours each day) for consultation with students. The faculty members will post their office hours outside their office doors. Pre-arranged appointments with students can be on those days when faculty might otherwise remain off-campus. Part-time faculty will have office hours proportional to their assignments.

Associated Students, Inc.
California Polytechnic State University
San Luis Obispo

POLY ROYAL RESOLUTION

WHEREAS, Poly Royal is a festive, learning environment, and

WHEREAS, The sale of limited quantities of beer would only enhance that environment, and

WHEREAS, Cal Poly is one of two CSUC campuses which at no time allows alcohol on their campus, and

WHEREAS, Alcohol is allowed on a large scale at all other CSUC schools during similar events without any adverse effects, and

WHEREAS, We the ASI feel it is time that people taking part in Cal Poly events should be allowed the same responsibility and respect as those given at every other campus, therefore

BE IT
RESOLVED, That the Associated Students, Inc. approve and support the sale of beer to those of age, at the Poly Royal Steak Barbeque, and

BE IT
FURTHER
RESOLVED, That this approval be between 11:00 a.m. and 5:00 p.m. on Saturday, April 26 within the restricted area of Poly Grove.

ACADEMIC SENATE
of
CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

RESOLUTION REGARDING AVAILABILITY OF ALCOHOL ON CAMPUS

- WHEREAS, The issue of alcohol on campus has recently been addressed by student government, faculty and staff groups; and
- WHEREAS, Present, policy permits easy enforcement; and
- WHEREAS, The present policy has contributed to the current favorable reputation of the University; and
- WHEREAS, Alcohol is adequately available off campus; and
- WHEREAS, Having alcohol on campus is of dubious value to the University and its functions; therefore be it
- RESOLVED: That the Academic Senate of California Polytechnic State University, San Luis Obispo, recommends that the current policy of no alcohol on campus be continued indefinitely.

Memorandum

1 : Max Riedlsperger, Chair
Academic Senate

ACADEMIC SENATE

Date : March 11, 1980

File No.:

MAR 13 1980

Copies : Roske
Foutz

CAL POLY - SLO

From : Martin Luschei
Executive Committee of Grievance Panel

Subject: Grievance Procedures

On behalf of the Executive Committee I would like to reiterate, in simpler terms, the suggestions we made in our appearance before the Senate's Executive Committee on February 26, 1980, and to attach copies of some of the documents I mentioned at that time. The following actions by the Academic Senate, we believe, might be constructive without becoming burdensome:

1. An annual reminder might be sent out to all faculty on the Grievance Panel, who often forget they have been elected to it, in order to keep them aware of the fact.

2. A list of voluntary advisors might be developed, experienced faculty who might give potential grievants some guidance. In this connection, a grievance committee only last week, frustrated over what apparently all (including the grievant) came to feel was an unwarranted grievance, suggested that we, the Executive Committee, should establish a grievance advisory committee for such a purpose, but as we told you last month we feel it our primary responsibility to safeguard access to the grievance procedures and don't feel in any position to establish any such body.

3. An annual summary of information on the grievance proceedings on this campus and from elsewhere in the state might be provided the faculty as information that by itself might be a kind of guidance. I am attaching copies of a report issued annually at San Francisco State (note the reference, incidentally, to released time), a memo from Owen Servatius to Tom Hale of 1977, and a page from The Academic Senator for May 1978 in which the state-wide grievance statistics are given.

We feel that this kind of information can only help the faculty.

At its meetings January 11-13 in Long Beach and March 1-3 in Sacramento, the Academic Senate continued dialogue with system and legislative officials on ways in which the governance of the CSUC could be improved. In January, Board Chairman Roy T. Brophy engaged with the Senate in a discussion of alternatives to "industrial" collective bargaining, laying out his own plan for joint determination of areas subject to agreement through "internal system processes." In March, Senator Albert S. Rodda expressed his reservations to the Senate about AB 1091 (Berman) — the collective bargaining bill currently being considered by the Legislature — and stated his support for efforts underway to improve the decision-making process in the CSUC through internal processes. At the same time, he indicated willingness to support a "reasonable" collective bargaining bill, particularly one which guarantees autonomy for academic senates.

Deliberations on plans for shared governance structures featured the concern that the role of faculty in system governance be defined in specific terms. It was suggested that faculty must have final or primary authority and responsibility in areas which affect the quality of the academic program. Such areas would include instructional decisions (e.g., teaching methods/materials, assignment of grades), recommendation on appointment retention, tenure and promotion, and "matters of educational or professional policy, including fiscal policies which have direct educational or professional significance." These specific concerns and definitions were included in a resolution passed at the March meeting, "Shared Governance and Collective Bargaining" (AS-978-78/EX). The resolution was passed at least partly in response to Mr. Brophy's suggestion that definitions of "collegiality" and the faculty role in CSUC governance be determined through discussions among system leadership.

May Senate Meeting (Continued from page 1)

through its administrative officers, makes sure that there is continual consultation with appropriate faculty representatives on these matters, and that faculty recommendations are normally accepted, except in rare instances and for compelling reasons. The collegial process also recognizes the value of participation by the faculty in budgetary matters, particularly those directly affecting the areas for which the faculty has primary responsibility.

Collegiality, as I see it, is the process whereby professional academic people, some with teaching, some with administrative assignments, work together to find the best answer to problems of the university. One basic stipulation is that the goal must be the "best answer," not the prevailing of either the faculty point of view or the administrative position. Nor can this process operate effectively under any shadow of threat; it must be based on goodwill and full acceptance of the principle that the best answer for the university as a whole is often one that does not wholly accept any single constituency's point of view.

Collegiality, in short, works effectively when there is mutual respect and a commitment to honest and open problem solving, and the pursuit of institutional goals.

Copies of all resolutions approved at this "wrap-up" meeting have been distributed to members of all CSUC constituencies, including the offices of the senates and councils on the campuses.

The membership of the Committee has changed over the past two years. Charles Adams was replaced by Dr. David Elliott, Professor of Speech-Communication, San Jose. Upon Dr. Elliott's resignation, Dr. Leonard Mathy, Professor of Economics, Los Angeles, joined the Committee. President Ellis McCune of Hayward replaced Dr. Kramer, who resigned his presidency in 1977; and Dean Sommers was subsequently replaced by Stanley Bartnick of the Chancellor's Office of Faculty and Staff Affairs. Upon appointment as State University Dean of Faculty and Staff Affairs, Dr. Robert Tyndall assumed the Chair of the Committee.

At its first meeting in August 1976, the Committee developed a questionnaire which was sent to the campuses, soliciting information on campus experiences with Executive Order 240, the current academic grievance procedures. In May 1977 the Committee met to review campus responses to the questionnaire and, after working through the summer, reached tentative agreement on proposed revisions to the procedures.

In February of this year a second questionnaire (FSA 78-12) was sent to the campuses, requesting numerical data on the campus grievance experience during 1976-77. Comments were also requested "on the clarity, fairness, and general workability of the grievance procedures" from a variety of campus personnel involved in the grievance process.

The data gathered through use of the questionnaires revealed that during 1976-77 198 grievances were filed within the system. Roughly one-third of these were either dropped or were settled informally without a hearing. Roughly one-third of the total number of grievances filed were still in the hearing process at the time the data were submitted to the Monitoring Committee, with the remaining one-third past the hearing stage. Of those hearings completed, about half resulted in a finding for the grievant. Three-fourths of the findings in these cases were for the grievant with recommendation that the remedy sought by the grievant be granted. In the remaining cases, the Grievance Committee recommended a remedy different from that sought. However, the President accepted the remedy recommended by the Committee in only fifty percent of the cases where the Committee recommended the remedy sought by the grievant. The remaining cases were sent to binding arbitration as required by law. Only five cases had been arbitrated by the time the data were submitted, with the arbitrator agreeing with the Committee's recommendation in three cases and with the President's in two cases. The President accepted the Committee's recommendation in each instance in which the Committee found against the grievant or recommended that the case be remanded to some point in the personnel process for reconsideration.

Comments from participants in the grievance process indicated that some fears expressed at the time E.O. 240 was promulgated had not materialized. Administrators feared that the new access to grievance procedures by part-time and full-time lecturers would lead to a "flood" of grievances. Only one grievance in ten was filed by such

(Continued on page 8)

Memorandum

: Tom Hale, Chairman
Academic Senate

Date : November 15, 1977

File No.:

Copies : Robert E. Kennedy
Randolph Grayson
Martin Luschei

From : Owen L. Servatius *OLS*
Executive Committee of the Grievance Panel

Subject: Status of Grievances

In accordance with your request, here is a recap of all of the grievances filed on this campus since Executive Order No. 240 became effective:

14 grievances filed:

- 1 - resolved informally (promotion granted)
- 3 - found ineligible by Executive Committee under Section 5.2.3 and 5.2.5
- 5 - grievance committee found in favor of President
- 2 - grievance committee found in favor of grievant (pending arbitration)
- 3 - pending hearing by grievance committee.

EXECUTIVE POLICIES OF THE
GRIEVANCE PANEL EXECUTIVE COMMITTEE

- 2.1 Specified time periods may be extended by agreement in writing by the parties with a copy to the Executive Committee.
 - 3.8 The Executive Officer shall report to the President and the Chair of the Academic Senate any refusal to serve.
 - 5.2.3 Action on any personnel matter shall be deemed final after the decision of the President, whether appeal has been made or not.
- Non-promotion shall be deemed final only after the Dean has conferred with the Promotions candidate.
- Evidence from other than the grievable year(s) may be admitted if subject to connection with such year(s).
- 7.1 Upon receipt of the Preliminary Notice, the Executive Officer shall send to the Grievant a reminder that the Supplemental Notice is his brief, and thus it should isolate the issues and provide a framework for his case.
 - 7.2 The Grievance Notice shall specify that informal settlement (4.0) has been sought without success.
 - 7.2.4 Notice of open hearings, together with other notices about current grievances, shall be announced weekly as necessary in a section of ACTION RECAP (Academic Senate Newsletter)
 - 8.2 The Executive Officer shall seek agreement of the parties regarding exclusion of the stated categories of persons before selection by lot of the Grievance Committee is begun.

Good idea.

The Executive Officer shall choose from the Grievance Panel seven names. Challenges, if any, shall be made first to a group of the first three names drawn, with the right of first challenge decided by lot. Whenever a challenged name is withdrawn, the next name in serial order of drawing shall replace it. If challenges reduce the number of prospective Committee members below* three, the Executive Officer shall choose from the panel enough names to make up the count of seven minus the number of peremptory challenges already used, and an addition 48-hour period for consideration of challenges shall be given if asked by either party.

*In the case of replacing a committee member unable to serve (e.g., by reason of being on leave), the asterisked number shall be replaced by the sum of the number of replacements needed and the number of peremptory challenges remaining to both parties.

The Executive Officer shall excuse from service on the committee any member of the Panel who asks to be excused because of having served on a grievance committee within the previous two years.

REPORT OF THE GRIEVANCE PANEL - 1976-77

The implementation of the new Grievance Procedures. (Executive Order 240) was carried out on this campus during April of 1976, concluding with the choice of the Executive Committee of the Panel on May 3. At that point, five grievances, filed under the earlier procedures (Executive Order 201) by grievants who had elected to wait for the implementation of the new procedures, were awaiting action. Since it was the fourteenth week of instruction, all grievants who could afford to wait for hearings until the beginning of the next school year were urged to do so. The two promotions grievants agreed; the two non-retention grievants had waited through their terminal year, and thus had to proceed immediately to hearings; and one other grievant elected to have an immediate hearing. The most complex of these cases necessitated 35 hours of hearing during finals week and the following days, and a portion of the committee members' summer devoted to writing the report. The committees which served during this trying first period deserve special commendation for their devotion.

In the fall of 1976-77, hearings were begun on the backlog of postponed cases and on new cases. But informal discussions facilitated by Dean Ianni produced settlements of several grievances without a hearing. Such informal settlements are of course preferable for the health of the university, and Dean Ianni is to be commended for the energy and candor that he brings to these discussions.

Toward the end of the year the Executive Committee arranged for two informational features; publication of grievance news in the Senate's newsletter ACTION RECAP; and a panel discussion on the year's experience with grievance procedures, which may be repeated periodically if the need is felt. It may be appropriate to mention that the first year's experience makes it clear that the job which the Executive Committee is asked to do would be impossible without the released time which the President has provided. We are grateful for that provision, and we ask that it be continued.

To summarize the year's grievance activities,

13 grievances were filed, of which

5 were settled by informal procedures, and

8 went to hearings, occupying a total of 125 hours;

3 committees found for the grievant, in which cases

2 of the President's letters disagreed,

1 being referred to arbitration, which is still pending, and

1 not;

1 of the President's letters agreed, and the remedy was granted;

4 committees found against the grievant, in which cases all

4 of the President's letters agreed;

1 case is still pending, turning on a disputed point of law.

In addition, one earlier case is preparing for hearing under an earlier procedure. Finally, although a number of prospective committee members have been excluded according to 8.2 of the procedures (e.g., because of being a member of the grievant's department) and some have been challenged peremptorily, there have been only three challenges for cause, and only one refusal to serve.

Appended are the Executive Committee's Policies -- rules for operating in areas where the Procedures are not explicit. A glance over them will give a good idea of the problems the Committee encountered in its first year and our pro tem solutions, on which we invite your comments. To take just one example, 2.1: the practice of the campus has been to make sure that mere technicalities do not interfere with justice in grievance matters, and our policy simply makes extensions of time lines a matter of written record so there can be no dispute later. Let us add a few notes on matters not covered in the Policies, with an indication of the applicable section of the Procedures:

6.1 -- Since the way the grievant conducts his case is bound to have an effect on the hearing committee's decision, it is wise for him to have as much experienced advice as he can find, and to have someone act for him if that would produce a better case.

7.1 -- "Single action" means "single final action," e.g., the action of the President. No single interim action can be grieved. And if an appeal has been filed, the 20-day time-line does not begin until the appeal has been acted on.

9.3 -- The Supplemental Notice is the most important document in the hearing. Without stressing minor procedural errors, it should lay the groundwork for the grievant's presentation of his case.

10.12 -- As much as is possible, the parties' presentation should keep separate the statement of the issues (opening statement), evidence (documentary and testimonial) and persuasion (closing argument). And it is typical for the grievant to present all his evidence -- both documentary and testimonial -- before the campus representative presents his.

10.5 -- It is productive for any evidence or pattern of questioning to be admitted which might help in getting at the truth; e.g., technical distinctions between direct and cross-examination need not be strictly adhered to.

The consensus of grievants, advisors, hearing committee members, administration representatives and spectators is that the Procedures are working well in dealing justly with grievances. For that we owe a particular debt to the patience and impartiality of the hearing committees. Of the problems with the Procedures, some can be dealt with by means of sensible executive policies, but a few demand revisions. The Monitoring Committee of the Statewide Academic Senate is presently collecting data and opinions about such problems, and the Executive Committee would be glad to transmit your suggestions.