

MINUTES

18 February, 1969

Recessed session from one week earlier.

The meeting was called to order by interim chairman, Rod Keif at 3:15 p.m. in Science E-27. Those in attendance:

| | | | |
|--------------|-------------|-------------|------------|
| W. Alexander | M. Gold | T. Meyer | D. Price |
| R. Andreini | S. Harden | H. Miles | G. Rich |
| A. Andreoli | H. Honegger | B. Mounts | A. Rosen |
| C. Beymer | C. Johnson | D. Nickell | J. Stuart |
| E. Chandler | R. Keif | L. Osteyee | H. Walker |
| D. Federer | L. Lewellyn | R. Pautz | R. Wheeler |
| R. Frost | B. Loughran | C. Piper | A. Wirshup |
| V. Gates | J. Lowry | M. Pfeiffer | V. Wolcott |
| C. Gibson | | | |

Announcements (Rod Keif):

1. Chairman of Election Committee will publish referendum results in a manner that hopefully will reach the faculty prior to release by other news media.
2. The Executive Committee ASCSC has reconsidered its 7 February request (which never reached this campus) for faculties to withdraw service for the day of 21 February.

The statement from the committee is attached to these minutes. (See Attachment I)

Review, Alteration & Acceptance of By-Laws (A Continuation), (C. Johnson):

Personnel Review Committee, Page 7, paragraph #1 - last line: Insert "faculty prior to "members." (No objection and no other alteration).

Paragraph #2, add at the end of first sentence: "...;this may be waived in the review of leaves with pay."

(R. Keif) - Other than complying with Title V, what is the philosophical need for a personnel review board?

(A. Rosen) - Review should be a substantive one; only by so doing is a judgement defensible.

(R. Keif) - Is the prime function of such a body the assurance of "due process"?

(L. Lewellyn) - Does this group generate facts that allows a policy to evolve?

(R. Keif) - Beyond above noted assurance, the group perhaps should not intrude on policy or ultimate result of a given case.

(A. Rosen) - There must be intrusion on results by the committee should disagreement arise from various recommending agents.

(C. Johnson) - The Review Committee is expected to make recommendations to the President; his decision is issued only after embracing recommendations from all agents.

(C. Gibson) - Clarification might be gained by placing the action of the Personnel Review Committee in sequential relationship to total flow -- i.e., does this committee serve as an attentive ear to an aggrieved faculty member?

(C. Johnson) - The Review Committee is a consultative body to the President. A grievance is not possible until an administrative decision is reached. A grievance would not be directed to the Personnel Review Committee, but to the Personnel Grievance Committee.

(R. Keif) - Our hang-up has been the semantics of "Review." Does the meaning limit the function of this group to procedural matters as opposed to a judgement value of an individual?

(A. Rosen) - Such limitation would solve nothing. Procedural problems may occasionally occur, but should not be a continuing problem.

(J. Stuart) - Historically this committee must have been established by the President as a non-biased group. A committee representing a varied cross section of disciplines is in poor posture to render judgement as to an individual's teaching ability in a higher specialized area, example, how can a faculty member in a non-scientific area judge the knowledge and competency of an instructor in Physics?

(C. Johnson) - The faculty peers in the non-scientific area can and must make an assessment and render a judgement on individual grounds. The Physicist has already been evaluated by Physicists at the faculty and department and possible Dean's level. The President, must also render a judgement. The issues in a given case are more apt to be interpersonal rather than conflicts of that individual and his area of specialty training and teaching. Within this framework, the committee has a valued contribution to the President and his decision.

(W. Burgess) - A president's decision in such matters is solidly based with recommendation from such a committee as outlined by Dr. Johnson.

M/S/U - J. Lowry/D. Federer

To accept paragraph #4, Page 7. Delete: "follow suitable procedures," and substitute: "consult with all parties of the dispute."

M/S/U - C. Johnson/T. Meyer

To accept Page 8.

M/S/U - J. Lowry/C. Gibson

To accept Fairness Board as noted except to delete reference to G.P.A. for student members.

(R. Wheeler) - Why should G.P.A. be a prerequisite for student membership?

(C. Johnson) - Those questions directed to Fairness Board are apt to be those related to the area of academic achievement, the understanding of which might be more within the grasp of one with the G.P.A. as noted.

(L. Osteyee) - This might be interpreted as placing a bias on student members which leans toward the faculty.

(R. Keif) - How active is the current Fairness Board?

(L. Lewellyn) - The Board serves a purpose by virtue of its existence. It has directed several cases back to the grass roots where solution has been reached. This is most fortunate because the Fairness Board is actually powerless to function in its present structure. It has become emasculated by the very By-Laws that created it. This original mandate directs its recommendations to the Academic Senate; the group could function in a meaningful manner if its recommendation were directed to the President.

(R. Keif) - By-Laws are quite amendable. Changes should be done in a responsible manner by asking the Fairness Board to present any suggested amendments to this Senate for action.

M/S/U - A. Andreoli/J. Lowry

Under "Faculty Library Committee," Page 9, Functions - 1. Insert the words "Academic Senate" between the words "to the" and "College Librarian." Functions - 2. Insert the word "Consultative" between "Professional" and "Services."

"Faculty Library Committee," accepted as changed.

M/S/U - S. Harden/C. Johnson

To accept "definitions" Page 10.

Page 11 - No objections.

Page 12 - No objections.

Page 3 - "Elections" - Add new section "F" (No objections); section

"J" - change "1st week March to, "last week February."

The By-Laws were thus reviewed, amended (as noted) and accepted by the Academic Senate. They are returned to the By-Laws Committee for literary and grammatical review prior to being presented to the President as the Senate's recommendation. This acceptance will identify them as the functional canons of conduct for the Academic Senate.

R. Keif expressed the Senate's appreciation (indeed, that of the entire faculty) to C. Johnson and the By-Laws Committee for a most commendable undertaking.

ADJOURNMENT

Respectfully submitted,

Billy Mounts,
Interim Secretary

ACADEMIC SENATE OF THE CALIFORNIA STATE COLLEGES

Executive Committee Meeting
San Francisco

February 13, 1969

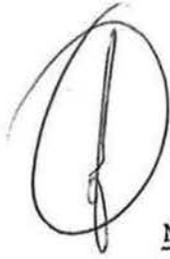
STATEMENT FROM EXECUTIVE COMMITTEE

The Executive Committee of the Academic Senate CSC has reconsidered its action of February 7, 1969 and at this time withdraws its request to local Senates and individual faculty members that faculty withhold or withdraw services for a period of one day on February 21, 1969. The purpose of such a one-day "strike" or demonstration would be to underscore in bold terms the faculties' opposition to the application to strikers of a law, designed for other purposes, which provides that persons who are absent from their duties for five consecutive days are considered automatically resigned. It now appears questionable whether or not faculty members on strike in the State Colleges are considered thus "automatically resigned."

The Executive Committee notes that the view that participation in a strike should not be grounds by itself for dismissal is widely held in the academic profession. For example, this view is expressed in the proposed "Statement on Faculty Participation in Strikes," published in the American Association of University Professors Bulletin (Summer 1968). Moreover, by relying on a law calling for "automatic" resignations, the California State Colleges system is in danger of dismissing faculty members, including many with tenure, without due process. The case against such "automatic" provisions or mechanisms has been further stated succinctly by an Illinois Commission on Public Employment: "Their severity and the obligation to apply them to all strikers have paradoxically resulted in almost total failure to apply them at all. Such automatic penalties have consequently become dead letters and have encouraged violations of the law, not only by strikers, but also by administrators seeking to restore public services.

The Executive Committee, on behalf of the Academic Senate CSC, insists, if the strike by the American Federation of Teachers unfortunately continues, that every possible action be taken to assure that faculty members on strike receive due process in any action taken against them. If agreed upon procedures are absent, then the provisions of the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings of the AAUP should be viewed as the minimal standards. The Chairman of the Executive Committee is hereby instructed to request an immediate meeting with Chancellor Dumke and the General Counsel of the California State Colleges to investigate any avenue or possibility (e.g., use of "common law" provisions if these permit more flexibility; "suspending" strikers during consideration of their cases; even technically placing strikers on "leave") which may permit the colleges to adhere to the standards of the academic profession in arriving at a satisfactory determination of the status of persons on strike.

Attachment I
Academic Senate Minutes
February 18, 1969



ACADEMIC SENATE
California State
Polytechnic College
San Luis Obispo, Calif.

NOTICE

The February 11 meeting of the Academic Senate was recessed until:

Tuesday, February 18 at 1510. Science E-27 (Not SDR)

We will reconvene at Agenda item D-3, Adoption of By-laws (C. Johnson) as listed on the February 11 Agenda. The first topics will be the sections on page 7 of the Proposed By-laws, Faculty Personnel Grievance Committee, and Personnel Review Committee.

If there is still confusion regarding the erroneous Los Angeles Times article about the call for a faculty "withdrawal of services" on February 21, an announcement will be made by the Chairman "setting the record straight."