

ACADEMIC SENATE

AGENDA

Wednesday February 11, 1981

2:00 p.m. SSC-107

INFORMATION

The University will sponsor its annual River City Days on April 22-24, 1981. Open House is on Friday April 24. As River City Days provides a unique opportunity for the Sacramento community - including potential students - to visit our campus, Senators are urged to encourage the development of River City Days activities by their academic units.

CONSENT CALENDAR

✓ AS 81-2/Ex. COMMITTEE APPOINTMENTS

\* Financial Aid Advisory Committee: ROBERT METCALF, 1981 (replacement for H. Wiedman)

Graduate Policies/Programs Committee: MICHAEL WEININGER, Senator, 1982 (replacement for R. Smith)

AS 81-4/Ex. GRIEVANCE FUNDING

*Neuman*  
*Shattuck*  
*Selneck*  
*Barnes* The Academic Senate accepts, with thanks, the "Report of the ad hoc Committee on Grievance Funding". (Attachment A)

REGULAR AGENDA

✓ AS 81-1/Flr. MINUTES

Approval of Minutes of the December 10, 1980 meeting.

✓ *Amis* \* AS 81-3/FA,Ex. PART TIME FACULTY (FACULTY MANUAL Amendment)

The policy on Part-time Faculty is approved. (Attachment B)

\* AS 81-5/Ex. GRIEVANCE FUNDING

*Neuman*  
*Shattuck*  
*Selneck*  
*Barnes*  
*Barducci* The Academic Senate recommends that (1) the Academic Vice President provide information to appropriate ARTP committees regarding specific procedural errors resulting in grievances, within the limits of required confidentiality; and (2) the Academic Vice President be charged with the responsibility of examining those errors and communicating information concerning them to the faculty committees to avoid future recurrences. (Attachment A)

<sup>6</sup>  
\*AS 81-~~8~~/AP, Ex. EXAMINATION SUPERVISION

Kelly

The Academic Senate recommends the policy that when the nature of a test is such that cheating is possible, the proctor will, so far as possible, remain in the room to supervise the examination.

<sup>1</sup>  
\*AS 81-~~8~~/UARTP, Ex. QUORUM - ARTP COMMITTEES

Byrum

The Academic Senate recommends that sections 4.05.05.B.2, 4.13.09.D.2, and 4.21.05.C of the FACULTY MANUAL be amended as follows:

~~Each primary level evaluation report shall be approved by a simple majority of the primary level ARTP committee.~~  
Substantive evaluations and final recommendations shall require the participation of a quorum of two-thirds (2/3) but not fewer than three (3) of all elected committee members or duly elected alternates. Each primary level evaluation report shall be approved by a simple majority of all members of the primary level ARTP committee. The department chair shall be an ex officio non-voting member of the committee and shall make an independent evaluation. The department chair shall indicate in writing concurrence with the department report; or, in the event that the department chair does not concur with the report, s/he shall specify in writing the reasons for her/his non-concurrence, based upon evidence in the candidate's personnel action file.

<sup>4</sup>  
Delison AS 81-~~8~~/Flr. BYLAWS AMENDMENT

The Executive Committee transmits to the Academic Senate the ASI President's proposed amendment to the Bylaws of the Academic Senate (below).

D. Executive Committee

1. Membership. Voting membership of the Executive Committee shall consist of the Chair and Vice Chair of the Academic Senate, the Academic Senate Chair of the preceding term, and four elected members of the Academic Senate, and the President of ASI or his/her designee. Ex officio, non-voting members are the President of the University or his/her representative, the Senior State Academic Senator, and the Vice President for Academic Affairs; and the Student-Body-President. The Chair of the Academic Senate shall be the Chair of the Executive Committee.

absolute majority = 21

REPORT OF THE AD HOC COMMITTEE ON GRIEVANCE FUNDING

## I. The Causes of Grievances

In studying the problem of grievances, the committee has been impressed to find that the total number of grievances is surprisingly small, in light of the numerous personnel decisions made every year. The committee has identified six main causes for the great majority of faculty grievances. Ranging from the most general to the most specific, they are: the chronic shortage of funds for salaries in the CSUC system; the hiring patterns of the past twenty years; the differences of opinion which inevitably result from the application of human judgments; the confusion and injustice resulting from attempts to apply new policies and procedures in an ex-post-facto manner; unclear or contradictory procedures; and the violation of clear, appropriate, and equitable procedures. While each of these causes is significant, we find that the greatest possibility of reform may be sought in connection with the last three and especially the sixth.

1. Underfunding of CSUS salaries makes the competition for the limited number of promotions extremely intense. Since promotion is directly tied to the salary schedule, negative promotion decisions accelerate the pace at which individual faculty members fall behind the cost-of-living spiral. Professors have been identified in a national survey (Time Magazine) as the single group most hurt by inflation. Faculty members who have already found themselves impacted at step 5 of the Assistant Professor or Associate Professor level may elect to initiate grievances when they are again denied promotion.
2. Exacerbating the funding shortage is the pattern of inequities produced by variable hiring practices. In the flush times of the 1960s, competition for faculty drove departments to hire at the highest possible rank and step; hiring levels for identically qualified people dropped significantly as enrollments stopped expanding at the end of the 1960s. As a result, younger faculty identified inequities when comparing their career patterns to those of their only slightly older seniors. The merit system under which we now operate offers no opportunity for correcting this problem.
3. Faculty personnel committees make sincere and honest efforts to achieve equitable personnel decisions. Unfortunately, not all human beings are infallible. As a result, the judgments of personnel committees are frequently open to challenge. This natural problem is made more severe by the qualities on which university RTP decisions are based -- teaching, for example, the most important single element in promotion decisions, does not seem open to quantification.
4. Most policy changes regarding personnel matters are reasonable and understandable. No one expects policies to be chiseled in stone. But policy changes should apply to future actions, not past ones. A significant source of grievances, for example, can be found in the changing policies toward possession of the earned doctorate. At various times during the past, the doctorate has been "the most important single criterion" for tenure or promotion, "expected" for tenure or promotion, and "required" in those disciplines where the doctorate is commonly awarded for tenure or promotion. People hired under one policy, finding themselves held to another policy -- and seeing that others without the doctorate have previously been tenured and promoted -- identify inequity and may resort to grievances. This problem is not easy to solve. One step is to ensure that new policies apply only to those hired after the effective date of the change.

5. Procedures which are unclear or contradictory constitute a third cause of grievances. To recur to the example previously mentioned, what does "commonly" mean in the phrase, "commonly given"? Several grievances have witnessed fruitless debates over such vague and imprecise terms. Fortunately, the UARTP Committee in its recent reviews of departmental, divisional, and school procedures has effectively reduced the opportunities for confusion about the meaning of procedures, although room still exists for improvement.
  
6. By far the most common cause for grievances, judging by the material supplied to the committee, can be found in the failure, however unintentional, of those charged with personnel decisions to follow the appropriate procedures. Grievance panel recommendations in favor of grievants repeatedly include phrases like the following: "the departmental committee had applied the model inappropriately"; "the chair of the (departmental) committee was uninformed about conducting the meeting"; "the ranking of the grievant was based on incomplete data"; "the Primary RTP Committee changed weights without getting approval of the department"; "oral testimony, not substantiated by material in file was introduced during primary committee considerations"; "the departmental ARTP committee had modified their criteria for ranking during the promotional deliberations." This record of repeated procedural violations is a sad and unfortunate commentary on the objectivity, dispassion, and/or competence of faculty and administrators involved in the personnel process. But it is in this area that the committee feels effective reform can be achieved. Everyone who participates in making RTP decisions must recognize the necessity for scrupulous attention to procedure. If the procedures direct a committee to consider teaching performance, then the committee must consider teaching performance, and show that it has done so. Personnel committees must know that they have to follow their own rules. Administrators must recognize that personal preferences and distastes cannot be used as evidence in personnel recommendations. The rigorous application of the clearest possible procedures may still produce injustice if the procedures are themselves unfair; however, such procedural grievances are difficult to substantiate. The UARTP Committee should impress on all those involved in making RTP decisions just how carefully they should proceed. Identifying the causes of grievances will not eliminate grievances, nor should it. Faculty who feel they have been treated unfairly should have an avenue of redress. But a university commitment to equity and justice in personnel decisions, coupled with a determination to avoid even the appearance of unfairness wherever possible, should result in a decline both in the overall number of legitimate grievances and the number which are won by the grievant.

## II. Grievance Funding

During the two most recent promotion cycles, 1977-78 and 1978-79, (according to data provided to the committee by Earline Ames, Associate Vice President for Academic Affairs - Administration) payments to the successful grievants came primarily from promotion funds set aside for that purpose. In 1977-78, an amount of \$5,000 was set aside from promotion funds, and \$8,030 was paid to the grievants; in 1978-79, \$6,500 was set aside, and \$6,980 was paid to the grievants. Thus about 77% of the grievant payments were made from promotion funds during this two year period. No information was provided to the committee as to the source of the remaining 23% of the payments -- \$3,500 -- but the fact that they were made indicates that, at least under certain

conditions, other sources of grievance payment funding exist. For the 1979-80 cycle, President Johns has set aside \$7,000 from promotion funds for grievance payment funding. This represents 12.6% of the funds available for promotion in this cycle.

This committee contends, as a result of its investigation into the matter, that grievances can and should be funded from sources other than promotion funds. In support of this contention, we note the following:

- 1) A survey of other colleges and universities in the California state system shows that the CSU, Sacramento policy of using promotion monies to provide grievance funds is by no means universal. For example, CSU, Fullerton and San Bernardino indicated that salary savings were used to provide grievance funds.
- 2) At the present time, and at least for several years into the future the outlook for obtaining adequate promotion funding appears bleak. Excellent teachers and research scholars must wait a discouraging length of time for promotion here, because we have had a ten-year history of insufficient promotion funds. Departments are asked to undertake detailed merit considerations for their qualified candidates, of which less than one in five can be promoted. When mobility in academic fields increases, a rising attrition among our best young professors will certainly occur. To further decimate these already meager promotion funds in order to provide a source of grievance funds does not, therefore appear desirable.
- 3) ~~The Chancellor and the CSU system provide separate funding for the very high~~ administrative costs associated with grievances. For example, according to Earline Ames, as a result of the 1977-78 promotion cycle, a total of \$54,780 was spent, including \$12,504 for secretarial work, \$4,250 for arbitration, and an estimated \$30,000 for work done by School Deans/ Division Chairs and the Associate Vice Presidents,<sup>1</sup> in addition to the previously mentioned payments to the grievant of \$8,030. Of this total, \$49,780 or 91% was provided from sources other than promotion funds. During the 1978-79 promotion cycle, the total cost was \$56,324, of which \$34,536 represented the salary of Leo Hertoghe, the first full-time campus representative. In that cycle, \$49,824 or 88% of the total cost of grievances was provided from sources other than promotion funds. It is interesting to note that during that past two-year period, for every dollar awarded to a successful grievant, the Chancellor provided seven dollars and forty cents worth of support for grievance administrative services! In previous years, the total costs may have been lower, but the award/cost ratio was probably even worse, since President Johns has wisely elected to settle more than half of recent grievances informally. In any case, we conclude that there appears to be no shortage of funds for the purpose of providing administrative support in the area of grievances. In view of the above stated facts, and the conclusions to be drawn from them, the committee recommends that the funding for payments to successful grievants be obtained from one or more of the sources listed below, in order of priority:

<sup>1</sup>The basis for this estimate is not clear since it does not appear that School Deans/Divison Chairs received any additional compensation for grievance handling.

(1) Funds currently allotted to grievance administration.

The committee strongly questions whether a full-time campus representative at a salary of \$34,536/yr. is necessary, especially in view of the fact that this job was performed in the past by various administrators on a part-time basis. The fact that (from the standpoint of the administration) the job may have been done poorly is more a reflection on the abilities of those who were assigned to this task than an indication of the necessity of a full-time position to accomplish it. Faculty grievants usually present their own cases, while teaching a 12-unit load, and receive no special compensation for this additional effort. The \$7,000 set aside for grievance payments against the 1979-80 cycle represents only 20% of the salary of the campus representative. The committee believes that it could be possible to find someone well-qualified for this position at the adequate salary of \$27,536. The remaining \$7,000 should then be made available for grievance payments.

In the 1978-79 cycle, a reduction of only 14% in the cost of grievance administration services would have provided the \$6,980 needed for the payments to the successful grievants. With grievance administrative costs now running at a ratio of more than 7 to 1 compared to grievance awards, a reduction of 14% in the former would appear to be attainable.

(2) Salary Savings

The fact that other campuses in the state system use salary savings as a source for grievance funds establishes the legitimacy of this source. The committee advocates using this source in the event that sufficient funds cannot be obtained from those currently allotted to grievance administration.

(3) Other campus sources, such as supplies and operating funds, etc.

Several state university campuses indicated that "campus funds" (un-specific) were used to fund grievances. We recommend that in the event that grievance funding cannot be provided by sources (1) and (2) above, the President inform the faculty concerning any other campus funds which could be utilized for grievance payments, in order to insure their participation in the process of making a decision on a suitable source for grievance funding. This committee had neither the time nor the resources to explore all funding possibilities.

In conclusion, the committee desires to point out that it has not included promotion funds among the suggested sources for grievance payments, because it does not consider such funds to be an appropriate source for such payments.

### III. Summary of Recommendations

1. The administration should take whatever action is <sup>possible</sup> required to find a source of funding for grievances other than promotion funds.
2. No methods for funding promotions having a punitive effect should be adopted, because such methods penalize both innocent and guilty.
3. The administration should provide information to the UARTP Committee regarding the specific procedural errors resulting in grievances, within the limits of required confidentiality.
4. The UARTP Committee should be charged with the responsibility of examining these errors and communicating information concerning them to the faculty to avoid future recurrences.

11/25/80

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NOTE: The ad hoc Committee on Grievance Funding was established by action of the Faculty Senate during the 1979-80 fall semester (FS 79-80B and FS 79-92).

5.03.00 Policy on Part-time Faculty (AS 81-3)

The University recognizes that part-time faculty are essential to a sound curriculum. The University acknowledges the professional status of its part-time faculty, and provides part-time faculty with the best possible working conditions.

## 5.03.01 Appointment

- A. Part-time faculty shall be appointed, as required by the affirmative action guidelines, from the applicant pool which is established on an annual basis or on a semester basis in those cases where the pool does not have enough qualified candidates to cover the demands for the entire year. Incumbent employees are responsible for notifying the department chair, by the specified deadline, of their wish to become part of the applicant pool for the semester or year in which they wish to be employed. (A detailed statement of recruitment and selection procedures, utilizing the applicant pool, shall be available in the department offices.)
- B. There shall be no campus policies or practices that deny access to an applicant pool or prevent consideration of an applicant for a temporary appointment solely on the basis of the number of years of previous service as a temporary employee. This does not in any way imply that an incumbent has a presumptive right to continue a temporary appointment presently held. (FSA 77-45)
- C. Once the applicant pool for a position has been established, the best qualified person shall be appointed on the basis of merit and competence related to program need. Criteria used in selection shall include:
  - (1) degrees earned in a relevant discipline
  - (2) relevant teaching experience
  - (3) relevant professional experience
  - (4) recommendations or other documents including student and peer evaluations of teaching performance.

In case two candidates are equal in ability, affirmative action goals shall be a criterion used in selection.

- D. Except in unusual circumstances, part-time faculty shall be hired at a range and step equal to that which would apply if they were being hired for a regular full-time position. The normal guidelines for determining the range of new part-time faculty are:
  - (1) Assistant: Bachelor's degree in the discipline
  - (2) Range A: Master's degree in the discipline or equivalent educational experience OR Bachelor's degree plus the equivalent of at least five years teaching or relevant professional experience.
  - (3) Range B: Doctorate OR Master's degree or equivalent educational experience plus the equivalent of at least five years of teaching or relevant professional experience.
  - (4) Range C: Doctorate or equivalent in the discipline plus at least five years of teaching experience.
  - (5) Range D: Doctorate or equivalent in the discipline plus at least 10 years of teaching experience.

Exceptions to these guidelines must be approved by the appropriate dean and by the Office of Faculty and Staff Affairs. Additional criteria may be required by the department.



NOTE: Within each range, the particular step at which a person is hired will depend on the extent to which the person's qualifications exceed the minimum requirements for the particular range.

- E. In subsequent semesters, part-time faculty must be hired at a salary range and step equal to or greater than the previous salary range.
- F. A part-time faculty member shall be employed by the University for no more than twelve (12) teaching units per semester.
- G. Departments shall provide part-time faculty with a written statement, as far in advance as possible, which describes probable duties, recommended salary range and step, courses to be taught, workload, probable class size, and the possibility of class cancellation; the department's class schedule; and a copy of departmental policies on promotion, evaluations, etc. Whenever possible, part-time faculty shall be appointed for a full academic year.
- H. Part-time faculty shall be provided an opportunity to attend both a university level orientation and a department level orientation meeting to become informed of the responsibilities and benefits of employment. In addition, they will have access to university policies and procedures.

#### 5.03.02 Working Conditions

- A. Since the teaching responsibilities of part-time faculty are the same as those of regular faculty, every effort must be made to provide part-time faculty with facilities adequate for the satisfactory performance of their duties, <sup>such as</sup> ~~including~~ access to office space, desk, chair, bookshelf, file drawer, telephone, keys, university catalog, class schedule, university policies and procedures, listing in university directory, identification card, secretarial assistance, a share of departmental funds for duplication, student assistance (or work study), etc.
- B. Professional courtesy shall be extended to part-time faculty in arranging schedules. Whenever possible, part-time faculty shall be scheduled using criteria equivalent to those applied to full-time faculty.
- C. Part-time faculty shall have participatory rights in departmental meetings. Voting rights are subject to departmental regulations.
- D. Part-time faculty are not expected to advise, participate in committees, or assume supervisory responsibilities; <sup>without compensation</sup> these assignments must be approved by the department chair, the dean, and the Academic Vice President.

#### 5.03.03 Advancement

- A. Part-time faculty shall be evaluated on a regular basis by the department chair and a primary level committee designated by the Primary level ARTP committee. The department shall develop procedures to evaluate part-time faculty. The procedures shall be subject to the approval of the Vice President for Academic Affairs. This evaluation is a performance evaluation only and shall include no recommendation regarding subsequent employment. An individual primary unit may delete evaluation criteria, <sup>To supervisory courses</sup>

*[first sentence in D.]*  
*Part-time faculty shall not be excluded automatically from supervisory work by virtue of their employment status.*

other than evidence of teaching performance, that are required in the evaluation of regular tenure track faculty when such criteria are deemed inappropriate or irrelevant to part-time positions. The modified criteria shall be published in the unit's ARTP document or their Part-time Hiring Policy document.

- B. Part-time faculty are eligible to advance to the next higher step of the salary scale after they have taught 24 units at a particular step or after they have met additional specified departmental requirements for a higher classification. Advancement is not automatic but depends upon evaluation of performance and the budgetary constraints of the university. A salary increase requires the recommendation of the department chair and the concurrence of the dean.
- C. Part-time faculty are eligible to advance to the next higher salary range after they have taught 24 units at the top step of their current range or after they have met additional specified departmental requirements for a higher classification. Advancement is not automatic but depends upon evaluation of performance and the budgetary constraints of the university. Recommendations should be made by the department chair and the dean of the school and forwarded to the Office of the Vice President for Academic Affairs (through the Office of Faculty and Staff Affairs) at the time the appointment is being made. Recommendation for advancement in range for part-time faculty is a separate process from that followed for promotion recommendations for full-time tenure-track faculty.
- D. ~~Part-time faculty shall have the same rights in regard to their personnel files as regular faculty.~~

#### 5.03.04 Reappointment

- A. Part-time faculty members who wish to be considered for re-employment are responsible for providing written notification to the department chair, by the specified deadline, of their wish to become part of the applicant pool for the semester in which they wish to be re-employed. No part-time faculty may be re-employed without such notification.
- B. The employee shall be responsible for updating his/her resume and personnel file so that adequate records of experience and training are available for those evaluating the applicant pool candidates for subsequent employment and salary advance. Employees are to be informed of this responsibility and offered the appropriate assistance by the department chair.

#### 5.03.05 Unemployment Compensation

State legislation, effective January 1972, provides for unemployment compensation. Detailed information is available in the Office of Faculty and Staff Affairs.

#### 5.03.06 Grievances

All part-time faculty are entitled to grieve, ~~if their rights have been violated.~~ (Executive Order 301)