

ACADEMIC SENATE
OF

MAR 2 1981

Academic Senate Received

CALIFORNIA STATE UNIVERSITY
SACRAMENTO

MINUTES

Issue #9

February 25, 1981

ROLL CALL

Present: Amer, Barkdull, Barrena, Bossert, Brackmann, Breese, Campbell, Elfenbaum, Esquerra, Foreman, Frost, Furey, Garthe, Gillott, Haq, Jamieson, Kerby, Kloss, Leezer, McDaniel, Moore, Murai, Semas, Slaymaker, N. Smith, Stull, Tobey, Urone, Weininger, Whitney

Absent: Adams, Connor, Covin, Fish, Gates, Gillespie, Golub, Gregory, Harley, O'Connor, Roth, Serrano, Skube, Eisner, Whitesel

A regular meeting was convened by Jerry Tobey, Wednesday February 25, 1981 at 2:00 p.m. in SSC-107.

INFORMATION

1. The Department of Accounting and M.I.S. elected Metwalli Amer as its Senate representative (replacement for Philip Briggs).

ACTION ITEMS

AS 81-9/Flr. MINUTES

The Minutes of the February 11, 1981 meeting are approved.

Carried unanimously.

AS 81-10/Ex. COMMITTEE APPOINTMENTS

Academic Policies Committee: FRAN TODER (Spring 1981 replacement for H. Taniguchi, Prof. Serv., 1982)

Graduate Policies/Programs Committee: LLOYD GAVIN (Spring 1981 replacement for R. LoVerso, Arts/Sci., 1982)

ACTION ITEMS -- contd.

General Education Committee: DAVID WAGNER, Arts/Sci., 1982
(replacement for D. Lucas, Arts/Sci.,
1983)

(NOTE: The term has been adjusted to provide for the election of an equal number of faculty members each year. Currently three terms expire in 1981, two in 1982, and four in 1983.)

Carried unanimously.

AS 81-4/Ex. GRIEVANCE FUNDING

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

Carried unanimously.

*AS 81-5A/Ex. GRIEVANCE FUNDING

Approved
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 appropriate faculty committees to avoid future recurrences.

Carried unanimously.

*AS 81-5B/F1r. GRIEVANCE FUNDING

Disapproved
The Academic Senate recommends that the President discontinue the practice of using promotion funds to fund promotions resulting from grievances.

Carried. Hand Vote: YES - 14; NO - 7. (Absentions were not registered.)

**AS 81-5C/F1r. GRIEVANCE FUNDING

The Academic Senate requests President Johns to explain why the sources of funds identified in the report of the ad hoc Committee on Grievance Funding (page 4) have not or cannot be used to fund promotions resulting from grievances.

Carried. Hand Vote: YES - 22; NO - 1. (Absentions were not registered.)

ACTION ITEMS -- contd.

*AS 81-5D/Flr. GRIEVANCE FUNDING

Disapproved The administration should take whatever action is required to find a source of funding for grievances other than promotion funds.

Carried. Hand Vote: YES - 11; NO - 6; ABSTAIN - 4.

*AS 81-5E/Flr. GRIEVANCE FUNDING

Disapproved No methods for funding promotions having a punitive effect should be adopted, because such methods penalize both innocent and guilty.

Carried. Hand Vote: YES - 11; NO - 7; ABSTAIN - 3.

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The meeting was adjourned at 3:50 p.m.

Lou Dell Moore
Lou Dell Moore, Secretary

LM/CD

- * President's approval requested
- ** President's response requested

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, \$5,500 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,¹ 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.¹ 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:

¹The 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 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

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).

