

A C A D E M I C S E N A T E

AGENDA

Wednesday, November 11, 1981

2:00 p.m. SSC-107

INFORMATION

1. NOTE: Special Senate meeting on General Education proposal, Wednesday, November 18. Mark your calendar!

CONSENT CALENDAR

AS 81-56/Ex. COMMITTEE APPOINTMENTS

Academic Affairs Budget Committee: ALBERT GUTOWSKY, At-large
GUY DEANER, At-large

Faculty Affairs Committee: SUSAN SLAYMAKER, Senator, 1982 (repl. for
P. Urone)

General Education Committee: ANN BRADFORD, Sch./Div., 1984 (repl. for
(H. D. Brecht)

Graduate Programs/Policies Committee: GARY SPRAY, Senator, 1983 (repl.
for M. Weininger)

ASI Children's Center Parent Advisory Council: WILLIAM WITCHER, 1981-82

Search Committee, Dean of Health and Human Services: JOAN MOON, At-large

REGULAR AGENDA

AS 81-55/Flr. MINUTES

Approval of Minutes of October 14, 1981 meeting.

AS 81-57/Ex. GRIEVANCE AND DISCIPLINARY ACTION PANEL - PROCEDURES

The Academic Senate recommends amendment of the local grievance procedures as proposed in Attachment A.

AS 81-58/Ex. GRIEVANCE PROCEDURES

The Academic Senate interprets Executive Order 301, Section 2.13.2 to mean the decision as to all of the matters in the section should be made by the Grievance Committee. ---

AS 81-59/UARTP, Ex. FUNDING OF GRIEVANCES

The Academic Senate recommends the following as University policy:

Funding of Grievance

The direct cost of promotion through grievance will be funded in the secondary unit to which the primary unit of the grievant is transferred as the result of a reorganization, with the exception of successful grievances at the University level, which shall be funded at the University level. This policy shall apply to the funding of grievances arising from ARTP decisions made during the 1981-82 promotion cycle.

Note: Our understanding of "University level grievance" is:

- (1) arbitration decision in favor of the grievant, and
- (2) grievance arising solely from a Presidential decision (e.g., primary and secondary units, including Department Chair and Dean (or equivalent) have recommended promotion, but it is turned down by the President.)

(Changes: Added - Sec. A
 Sec. E.3
 Amended - Sec. C.2
 Sec. C.5)

PROPOSED AMENDMENTS

Grievance Panel Executive Committee, CSUS

PROCEDURES FOR SELECTION OF GRIEVANCE COMMITTEES AND RELATED MATTERS
(Numbered citations refer to Executive Order No. 301)

A. Charge of the Executive Committee of the Grievance and
Disciplinary Action Panel.

The Executive Committee shall have responsibilities outlined
on page 20 of the Academic Senate of the California State University
and Colleges Grievance Manual, dated April 1976.

A- B. General Provisions

1. The Executive Officer notifies the grievant and the campus representative of the date, time and place of the selection of a committee. (8.1)

2. Selection shall not occur until the President's choice of a campus representative and advisors of choice for both parties are available. The delay shall not exceed 30 campus working days unless extended by the Executive Committee. (8.1.1)

3. The grievant and campus representative and their advisors, if desired, may be present during the selection. (CSUCAS Manual)

B- C. Initial Selection

1. The names of 10 potential committee members will be selected by lot using a table of random numbers, such as, those in Statistical Tables for Biological Agricultural and Medical Research by Ronald A. Fisher and Frank Yates. (Local)

2. Point of entry into the tables of random numbers will be decided by the grievant and campus representatives; e.g., the grievant will be asked to select one of six tables by drawing a number, the campus representative to select one of five columns by drawing a number, the grievant one of ten rows by drawing a number and the campus representative whether to read right, left, up, or down. Point of entry is the upper lefthand digit in the selected block. (Local)

3. Three-digit numbers will be read from the table and related to an alpha listing of the Grievance Panel. (Local)

4. The following persons will be excluded from selection except by agreement with the grievant and campus representative:

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- a. The grievant (8.2.1)
- b. Members of the Executive Committee (8.2.2)
- c. Members of the grievant's department (8.2.3) in the School of Arts and Sciences or of the grievant's school or division. (Local)
- d. Persons who were involved in the action being grieved: (8.2.4)
 - (1) Members of the UARTP Committee in cases involving promotion and tenure. (8.2.4)
 - (2) Faculty and academic-administrators involved in recommendations. (8.2.4)
- e. In promotion grievances, faculty of same or lesser rank. (8.2.5)
- f. In tenure (or tenure track), retention and reappointment grievances, all probationary and temporary employees. (8.2.6)
- g. Persons selected for service on other grievance committees during the current academic year. (Local)

5. In order to ensure that not more than one member of a department ~~in the School of Arts and Sciences, or a School or Division, or division~~ serves on a grievance committee, no more than one such member will be selected initially, the first such name chosen being used. (Local)

6. The Executive Officer shall promptly notify those selected of their selection and of their right to self-challenge for cause. (8.3)

6. D. Final Selection

1. The grievant and the campus representative shall each have the right to excuse without cause as many as two persons from those selected. In addition, any person selected shall be excused without cause by agreement of the grievant and the campus representative. Each may challenge for cause any of the persons selected and any person selected may ask to be disqualified for cause.

8.3.1. Challenges for cause or excuses, if any, shall be exercised by the close of the third campus working day following the day of selection.

8.3.2 The Executive Committee shall rule on all disqualifications for cause, and shall grant such disqualifications when it is made to appear probable that, by reason of bias or prejudice of a person selected, a fair and impartial grievance hearing could not otherwise be had.

Neither race, color, religion, sex, national origin, age, physical handicap, nor membership in any organization shall constitute grounds for a challenge for cause. (8.3)

2. In order to meet the three-day requirement of 8.3.1:

a. Challenges for cause, if any, shall be submitted in writing to the Executive Officer no later than 4:00 p.m. of third campus working day following the day of the initial selection. (Local)

b. If challenges for cause are forthcoming, the Executive Committee will meet at 4:00 p.m. on the third campus working day following the initial selection, or as soon thereafter as possible, and rule on those challenges. The grievant and campus representative may attend that meeting. (Local)

c. After all challenges for cause, if any, have been ruled on, the grievant and campus representative shall attempt to exercise excuses by mutual agreement. This shall be accomplished by each submitting to the Executive Officer the names of candidates for excuse. The Executive Officer shall excuse those persons whose names appear on both lists, keeping the lists secret, otherwise. (Local)

d. Finally, after all challenges for cause, if any, have been ruled on, the grievant and campus representative shall have up to two opportunities, used alternately, to exercise excuses. A toss of a coin shall determine which party goes first. (Local)

This excuse process shall end when both parties have used their two opportunities or there have been two consecutive failures to exercise an excuse. (Local)

3. In the event that the list of potential grievance committee members is reduced to fewer than three persons through challenges for cause or excuses, a new list of ten potential committee members shall be drawn, restarting the whole process. (Local)

4. Of the persons remaining after all challenges for cause and excuses, the first three drawn shall constitute the Grievance Committee. (Local)

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5. The Executive Officer shall notify the Grievance Committee of their selection and distribute to the Grievance Committee copies of the Notice of Grievance and Supplemental Notice of Grievance. (Local)

6. For the purpose of replacement of a grievance committee member who cannot continue, a new panel of five potential replacements shall be chosen at random, with the grievant and campus representative each having the opportunity to excuse one person without cause. (8.4) (Local)

E. Grievance Hearing

1. The grievant shall not have a right of access to the personnel files of others. (9.1)

2. At a closed hearing the grievant may offer in evidence information from the personnel files of others, with, and only with, the written permission of these others. (Local)

3. Local Procedures for Resolving Conflicts that Arise during Grievance Hearings

a. At any time prior to the President's decision on the Committee Report, if either the campus representative or the grievant is of the opinion that the Grievance Committee has acted contrary to Executive Order 301, or in a manner prejudicial to either party, the alleged action shall be put in writing and submitted to the Executive Officer.

b. Upon receipt of the written allegations, the Executive Officer shall inform the Chair of the Grievance Committee of the allegations and the grievance proceedings shall be stopped until the matter can be resolved.

c. The Executive Officer shall meet with the Grievance Committee, the grievant and/or the grievant's advisor and the campus representative to investigate the allegations; after which the Executive Officer shall report back to the Executive Committee for any action. If the Executive Committee finds the allegations to be unsubstantiated, the grievance proceedings shall be re-opened. If the Executive Committee finds the allegations to be substantiated, the Executive Officer shall meet with the Grievance Committee in an attempt to resolve the conflict and/or seek agreement of the grievant and the campus representative to dissolve the Committee according to Section 8.6 of the Executive Order.

E- F. Arbitration

1. If there is disagreement between the Committee's recommendation and the President's decision, either the grievant or the President may refer the matter to arbitration by written notification, filed with the Executive Officer. (13.1)

2. Upon receipt of such notification, the Executive Committee shall determine whether there has, in fact, been disagreement between the Committee's recommendation and the President's decision. (Local)

3. In the event that the arbitrator selected (in accordance with 14.2) is for any reason unable to serve, a new list of seven names shall be obtained, unless the grievant and campus representative agree to designate as arbitrator the person whose name was last stricken (14.2) from the initial list. (Local)

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Responsibilities of the Executive Committee

1. Function by majority vote.
2. Designate one or more of its members as Executive Officer. If more than one member of the Executive Committee is to serve as an Executive Officer, the Executive Committee should assign a particular grievance case to a particular Executive Officer.
3. Determine whether the action grieved in a particular case is a final action.
4. Determine whether the wrong grieved was grieved previously or arose out of a disciplinary proceeding.
5. Determine whether the grievance was filed within 20 campus working days of discovery and within one year of the occurrence of the action being grieved.
6. Act upon requests to extend the delay of selection of the Committee beyond 30 campus working days.
7. Rule on all requests for disqualification for cause of potential Committee members.
8. Decide whether to consolidate hearings.
9. Rule upon petitions to sever a grievance from a consolidated hearing.
10. Act, if requested to do so, to obtain a completed Committee Report which has not been submitted on time.
11. Determine whether notification of filing for arbitration was made within 7 calendar days of the receipt of the President's decision.