

1993-94
ACADEMIC SENATE
California State University, Sacramento

AGENDA

Thursday, April 28, 1994
Forest Suite, University Union



3:00-4:30 p.m. (following 1994-95 Organizational Meeting #1)

INFORMATION

Spring Schedule of Meetings (tentative):

May 12 (2:30-3:00, 1994-95 Organizational Meeting #2), 19, 26

CONSENT CALENDAR

AS 94-34/Ex. COMMITTEE APPOINTMENTS--University

Interim Dean, School of Education, Advisory Selection Committee for the Selection of:

LEAH VANDE BERG, Faculty At-large
BONNIE WALKER, CODE Representative

REGULAR AGENDA

AS 94-33/Flr. MINUTES

Approval of the Minutes of the meeting of April 21 (#20), 1994.

AS 94-35/CODE, Ex. ROTC

RESOLUTION ON DEPARTMENT OF DEFENSE POLICIES

WHEREAS, CSU systemwide policy (Executive Order 340, February 27, 1981) on non-discrimination prohibits discrimination on the basis of sexual orientation in any of its programs or activities; and

WHEREAS, University policy on non-discrimination at CSU, Sacramento prohibits discrimination on the basis of sexual orientation in any of its programs or activities; and

WHEREAS, Department of Defense (DoD) Directive 1304.26 stipulates that

"...homosexual conduct will continue to be a basis for barring entry into the Armed Forces..." and the definition of homosexual conduct includes merely a statement that an applicant is homosexual or bisexual; and

WHEREAS, DoD Directive 1304.26 stipulates that "...an applicant shall be rejected for entry [to military service] if he or she makes a statement that he or she is a homosexual or bisexual, or words to that effect...", "...unless there is a further determination that the applicant has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts" which is discriminatory on its requirement of proof; and

WHEREAS, DoD Directive 1332.14 states the following three (3) bases for separation from military service:

1. "if a service member engages in, or solicits another to engage in homosexual acts",
2. "if a service member has married or attempted to marry a person of the same sex",
3. "if a service member states that he or she is a homosexual or bisexual, or words to that effect. Such a statement creates the presumption that the member engages in homosexual acts or has the propensity to do so"; and

WHEREAS, if a service member discloses that he or she is a homosexual or bisexual, the service member is presumed to engage in homosexual conduct, and must demonstrate that he or she does not engage in homosexual acts is discriminatory in its perspective and requirement of proof; and

WHEREAS, the foregoing DoD Directives demonstrate that current DoD policy continues to discriminate by barring entry and separating individuals who state they are homosexual or bisexual; and

WHEREAS, DoD policy (Enclosure 4 to DoDD 1332.14 and Enclosure 8 to DoDD 1332.30) accords discretion to military commanders on whether to initiate inquiries about an individual's statement that he or she is homosexual or bisexual; and

WHEREAS, policies that allow for discretion to discriminate are in and of themselves discriminatory; and

WHEREAS, CSUS Reserve Officers' Training Corps (ROTC) follows the DoD policy of commander discretion, thereby allowing for the possibility of

disqualification of an applicant who states he/she is a homosexual or bisexual, who admits homosexual acts, who states he/she is married to a person of the same sex, or who has been previously separated for homosexuality from military service and will not be accepted for entrance into a precommissioning program; and

WHEREAS, CSUS ROTC has the discretion to suspend the processing of any applicant who freely admits or volunteers, during any stage of processing (any time during the four years the student is in the ROTC program), that he/she is a homosexual or bisexual; and

WHEREAS, policies that allow for discretionary disqualification and/or dismissal of homosexuals or bisexuals from the cadet corps of ROTC programs offered on the CSUS campus are in direct violation of the University's non-discrimination policy; and

WHEREAS, the implementation of the new Department of Defense Directives (December 22, 1993) have been postponed, thereby continuing discriminatory policies; and

WHEREAS, the previous Academic Senate, CSU and the CSUS Academic Senate, in May, 1990, resolutions AS 1930 and AS 90-75, respectively, condemned the Department of Defense policy in effect at that time (DoD policy, 32.C.F.R, part 41, App. A, part H); and

WHEREAS, failure to take action to ensure compliance or discontinue programs on the campus that deny access on the basis of sexual orientation lends institutional support to the practice of discrimination; and

WHEREAS, on October 10, 1991, President Donald R. Gerth informed the CSUS Academic Senate of his concurrence with the Senate's position that the exclusion of homosexuals or bisexuals from ROTC programs is contrary to University policy on non-discrimination and that any program that fails to comply with the University policy on non-discrimination should not be allowed to continue indefinitely on this campus; and

WHEREAS, President Donald R. Gerth further informed the Senate that he is supportive of action on the part of the CSU which would serve immediate notice to the DoD that, if the DoD policy were not reversed by Spring 1993, a phase-out of ROTC from all CSU campuses would begin in the following academic year; and

WHEREAS, the CSUS Academic Senate urged the President to recommend to the CSU Executive Committee for adoption by the CSU, a proposal that the Department of Defense be notified immediately that if the Department of Defense policy was not reversed by early Spring 1993, a phase-out of ROTC from all CSU campuses would begin in academic year 1993-94; and

WHEREAS, the modifications to DoD policy effected December 22, 1993, failed to address the concerns expressed in CSUS Academic Senate resolution (AS 90-75) by continuing to allow for the discretionary disqualification and/or dismissal of homosexuals or bisexuals from the cadet corps of ROTC; therefore be it

RESOLVED, that the Academic Senate recommends to the President of CSUS that he begin the immediate phase-out of ROTC from CSUS.

[Note: AS 94-35A below is an alternative recommendation presented by the Executive Committee for consideration. To be discussed, it would have to be moved from the floor.]

AS 94-35A/Flr. ROTC

Note: Resolution identical to AS 94-35, except that the following Resolved clause would be substituted:

RESOLVED: that the Academic Senate recommends to the President of CSUS that he begin the immediate phase-out of ROTC from CSUS unless the DoD agrees contractually with CSUS, by September 1994, that it (DoD) and ROTC at CSUS will abide by the CSUS policy on non-discrimination, thus removing the discretionary power to discriminate against any applicant to or person in or associated with ROTC at CSUS.

FIRST READING

AS 94-36/FA, Ex. PERIODIC REVIEW OF TENURED FACULTY (Amends AS 84-64 and PM 85-06)

WHEREAS, the purpose of periodic review of tenured faculty as stated in the M.O.U. (see Attachment A) is to maintain and improve a faculty unit employee's effectiveness; and

WHEREAS, current periodic review procedures vary widely in scope and rigor among departments; and

WHEREAS, the M.O.U. not only does not specify that review be limited to student evaluation of teaching effectiveness, but also offers evidence of considerably broader intent; and

WHEREAS, the Statement on Faculty Professional Ethics adopted by the Academic Senate on September 9, 1993 (AS 93-57) enumerates faculty responsibilities in the areas of scholarship and service, as well as teaching; and

WHEREAS, any useful measure of a faculty member's effectiveness needs to address all relevant facets of performance; and

WHEREAS, the M.O.U. specifies a stronger role for the Dean in the process than does the University policy; and

WHEREAS, the University should adopt guidelines for the implementation of M.O.U. provisions that:

- address all relevant facets of performance (teaching, scholarship and service), as assessed by students, peers and the Dean;
- aim for greater uniformity in standards of evaluation; and
- aim to fulfill the spirit of the exercise by devising means--primarily by way of serious collegial collaboration--for helping one another maintain a high level of performance.

therefore, be it

RESOLVED: that the Academic Senate recommends that the CSUS "Periodic Review of Tenured Faculty - Guidelines" be amended as shown in Attachment B.

The following language is taken from the M.O.U.

Periodic Evaluation of Tenured Faculty Unit Employees

- 15.28 For the purpose of maintaining and improving a tenured faculty unit employee's effectiveness, tenured faculty unit employees shall be subject to periodic performance evaluations at intervals of no greater than five (5) years. Such periodic evaluations shall be conducted by a peer review committee of the department or equivalent unit, and the appropriate administrator. For those with teaching responsibilities, consideration shall include student evaluations of teaching performance.
- 15.29 A tenured faculty unit employee shall be provided a copy of the peer committee report of his/her periodic evaluation. The peer review committee chair and the appropriate administrator shall meet with the tenured faculty unit employee to discuss his/her strengths and weaknesses along with suggestions, if any, for his/her improvement.
- 15.30 A copy of the peer committee's and the appropriate administrator's summary reports shall be placed in the tenured faculty unit employee's Personnel Action File.

PERIODIC REVIEW OF TENURED FACULTY - GUIDELINES

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Preamble - carried

The Office of Faculty and Staff Affairs has responsibility for ensuring a department's conformity to University policy on the periodic evaluation of tenured faculty. Should a question of interpretation arise, it shall be brought to the Faculty Affairs Committee, which retains jurisdiction over matters of policy and interpretation of policy, in the form of recommendations.

Individual members of the faculty would always be wise to examine appropriate portions of the University Manual and more general policy documents (in this case including the Memorandum of Understanding) to understand the content and the extent of rights and obligations arising under these procedures.

- 1-I. Purpose of Evaluation: To assist tenured faculty members to maintain or improve their ~~teaching~~ effectiveness.
- 2-II. Frequency of Evaluation of Instructional Performance: Tenured faculty shall be evaluated at intervals of no greater than five years. An evaluation for purposes of ~~retention, tenure or~~ promotion shall fulfill the requirement. If a periodic review reveals that effectiveness has not been maintained, subsequent reviews will be conducted every two years until the peer review committee (Section IV. A.) determines that effectiveness has improved sufficiently.
- 3-III. Each ~~Academic~~ School Dean, as the appropriate administrator, is delegated the responsibility for monitoring the Periodic Review of Tenured Faculty process in his/her school and for ensuring that the reviews conducted by the faculty committees and department chairs are in compliance with the procedures contained in this policy.
- 4-IV. Procedures:
 - aA. Each faculty member subject to review shall be evaluated by an elected peer review committee consisting of at least three tenured full-time department faculty of equal or greater rank and the department chair. A department member scheduled for this evaluation may not serve on any periodic review of tenured faculty committee during the year in which he/she is subject to review.
 - ~~B. The department chair shall not serve on nor meet with the peer review committee but will conduct an independent review and submit a separate evaluation.~~
 - eB. The Department shall develop a schedule of those faculty to be reviewed, in what order and in which year.

- dC. State law and University policy guarantee to faculty the right of confidentiality. Consequently, substantive deliberations having to do with periodic review of post tenure faculty unit employees are open only to committee members.
- eD. The peer review committee ~~and the department chair~~ shall consider the following subject matter in conducting the reviews:
1. Student evaluations taken since the last review of the faculty member's performance.
 2. Signed, written statements from students, and other signed, written statements concerning the faculty member's teaching effectiveness only if the faculty member has been provided an exact copy of each statement at least five days before the review.
 3. ~~Material submitted by the faculty member being evaluated.~~ The peer review committee shall also consider evidence of ongoing participation in department, school and/or university governance and continued involvement in activities which indicate that faculty is maintaining currency in his/her field. This evidence may include, but is not be limited to, the following:
 - Teaching materials
 - Curriculum development
 - Participation in professional meetings
 - Professional lectures, seminars, workshops
 - Consultant work
 - Publications
 - Leave activities
- fE. The faculty member being evaluated shall have the right to meet with the peer review committee prior to the submission of the committee's report.
- g. ~~The faculty member being evaluated shall have the right to meet with the department chair prior to submission of his/her evaluation.~~
- hF. The committee shall prepare a written, signed evaluation report containing an assessment of the evidence. It shall provide a written copy of this report to the faculty member at least five days before the custodian places it in the Personnel Action File.
- iG. The ~~department chair~~ Dean shall prepare a written, signed evaluation report containing an assessment of the evidence. He/she shall provide a written copy of

this report to the faculty member at least five days before ~~the custodian~~ placing it in the Personnel Action file.

†H. ~~The department chair Dean, and the chair of the peer review committee, or the faculty member may request a meeting of all three parties shall meet with the faculty member to discuss his/her the faculty members strengths and weaknesses along with suggestions, if any, for his/her improvement. Examples of ways in which faculty might improve their effectiveness include:~~

‡ participation in University faculty development programs

‡ consultation with colleagues

‡ participation in professional conferences

†I. The evaluation statements of the committee and the Dean shall be placed in the Personnel Action File. The faculty member has the right to submit written ~~rebuttals~~ responses to them and these ~~rebuttals~~ responses shall also be placed in the Personnel Action File.

†J. ~~The Academic Dean will not normally conduct an evaluation of tenured faculty under these procedures. However, a~~ faculty member may appeal the evaluations of the faculty committee and/or the ~~department chair~~ Dean by requesting, in writing, that the Dean Vice President for Academic Affairs conduct an independent review.