

Policy on Disciplinary Action Procedures for Academic Personnel

Trustee Heilbron presented a chronology of events leading to the development of a document containing proposed disciplinary action procedures for academic personnel, which was reviewed and recommended by the Faculty and Staff Affairs Committee for approval by the Board. The procedures set forth in the document were based on recommendations developed by the Academic Senate, CSC, which were later amended in joint meetings between a Board subcommittee, representative State College presidents, and a special committee of the Academic Senate. Trustee Heilbron briefly described the twelve Sections which made up the total document. He gave special emphasis to Section 12.0. He explained that Sub-Sections 12.1 and 12.2 of Section 12.0 reflected changes in the original document as they were developed.

At this point, Trustee Luckman proposed that the Board receive at this time the report of the Trustee Regional Liaison Committee, since it appeared to him that conclusions reached by that Committee had reference to Section 12.0 of the proposed Disciplinary Action Procedures. In order to illustrate his point he read a portion of a telegram received by Chairman Meriam signed by 18 department chairmen at San Francisco State College.

Dr. John Stafford, Chairman of the Academic Senate, CSC, asked for permission to address the Board in order to clarify this point. He assured the Board that the revisions currently being proposed were not the result of demands made by striking faculty members at San Francisco State College. He stated that the entire document represented Academic Senate recommendations which had been developed over a long period of time and which incorporated suggestions gathered during conferences with various segments of the State College community.

Trustee Heilbron added the further explanation that the revision of Section 12.0 which had been developed by the Academic Senate, had been brought to the attention of the San Francisco Labor Council, which was involved in the San Francisco State College strike on behalf of the AFT. The Regional Liaison Committee took this action, he said, because it was felt that this recommendation might answer the concerns of the union with respect to a disciplinary review committee. Trustee Hart called attention to the fact that as a member of the Regional Liaison Committee, he had not concurred in this procedure.

In a discussion of the panel structure for hearing appeals, Trustee Ridder questioned the need for the large number of panel members proposed. Trustee Ruffo explained that the panel was designed to serve the entire system for a period of one year, and that it was necessary to anticipate that several hearings might take place concurrently. Therefore, he said, it was necessary to have a panel large enough to serve the needs of all 18 State Colleges. General Counsel Epstein pointed out that the Chairman of the Academic Senate would have a review and approval function in the initial selection of the panel by the Chancellor and not in the selection of a particular committee of three to review a specific case.

appellate grievance procedure which the Executive Committee of that body is making to the entire Academic Senate, and on the assumption that such recommendation will be favorably acted upon by the Senate, the majority of the trustees, individually, of the Regional Committee are prepared to make recommendations to the full Board of Trustees in accordance with the contents of this letter.

You will appreciate that any recommendations required to be made to the Board will go through the usual Board procedure of committee hearing and that other official bodies and other organizations may be heard thereon and that no group of Trustees can assure the adoption of any particular recommendation or limit the sphere of action or contrary action by the Board. To the extent that Board action may be required on any of these matters (i.e., Item 3), we will urge adoption of our recommendations. If necessary, the recommending Trustees will support the right of the College to make the decision on rehiring and reinstatement indicated in Item 8. It is our understanding that union and Council action are not dependent on what the Board may or may not do with the recommendations.

Nothing in these paragraphs affects such commitments as have been made by striking teachers and others to the college to return to work and meet assignments per independent correspondence held with the college.

1. The Board of Trustees itself or through a committee, officer, representative or employee, is authorized by law on proper request to meet with employee organization representatives. The AFT at San Francisco State College is such an employee organization within the law. Accordingly, insofar as the demands of this group relate to employment conditions and employer-employee relations, including but not limited to wages, hours and other terms and conditions of employment, they are germane to such a meeting. Accordingly a proper request by AFT Local 1352 has been and will continue to be honored. Any future meetings with the Union would have to be consistent with the obligations to meet and confer with other employee organizations. The relationship of Local 1352 and the Trustees shall be governed by the above.

2. Any matters of amnesty, arrest and warrants affecting members of the AFT Local 1352 will be referred to meetings of representatives of San Francisco State College and such local. The right is reserved to any grievant or his representative to submit grievances covering retention, reappointments, reassignments, tenure, promotion and discipline to the appropriate grievance or disciplinary procedure. It is understood that an administration member or other faculty member usually brings the charges in disciplinary cases, but for reference herein regarding appeals the party charged is regarded as the grievant and both the retention et al and disciplinary procedures are called "grievance procedures."

3. *In grievance procedures, as particularly referred to in the last two sentences above, an impartial panel for appeals would be selected on a state-wide level. It would be provided that the Chancellor augment the existing panel on grievances (and any disciplinary panel to be selected) with ten (10) or more members as may be necessary, acceptable to the Chairman of the Academic Senate, drawn from the state colleges and the University of California, with particular consideration to the principle that academic matters are involved.*

For any particular appeal the Chancellor may select from the panel a committee of three (3); or, if the grievant prefers, the committee may be selected by lot, or the Chancellor or the President may select one (1), the grievant one (1) and these appointees select a third member, all members to be from the panel. In the event agreement cannot be reached, the third party shall be selected by lot.

4. *Present faculty positions will be maintained and sufficient funding has already been provided to prevent the layoff of 100 to 125 faculty members in the Spring Semester of 1969. The provision of this funding to meet the budget deficit was set out in Vice Chancellor Brakebill's administrative letter to President Hayakawa dated December 16, 1968.*

5. *It has been and is the long time policy of the College administration that the staffing and budgeting of the Black Studies Department and the School of Ethnic Studies shall be made by independent budget and the academic positions shall not be taken from presently assigned Department positions or budgets.*

The present situation of voluntary allocation from other departments will not extend beyond the Spring Semester.

6. *No academic employee who has been assigned a reduced teaching load during 1969 and after would be docked or otherwise have his pay reduced as a result thereof so long as said assignment was made in accordance with College procedure and the staffing formula.*

7. *The personnel files in the College shall be open to inspection by the faculty members, upon consent of the College, as provided in Academic Senate Resolution AS 176-68/FA. The College administration is prepared to follow the recommendations of the local Senate in this matter.*

8. *The rehiring and reinstatement procedures of striking persons who have been absent will be as set forth by the College in a memorandum transmitted to you by the College. The College has stated that it will recommend reinstatement on a non-discriminatory basis for persons who have been absent simply due to the strike in proceedings brought before the Personnel Board.*

9. *There will be no reprisal against a returning teacher simply because he participated in the strike; there will be no reprisal against any member of any other labor organization who participated in or supported the strike. The College so advises.*

The foregoing administrative statements of the College and recommendatory statements of the recommending trustees are on the basis that the return to work and meeting of class assignments according to the Spring schedule and other professional obligations will take place, all in good faith, at once; also that strike sanction of the San Francisco Labor Council will be withdrawn at once.

In reviewing this communication you will note that it mostly deals with matters as determined by the College. However, to the extent that recommendations are to be made to the Board, the majority of the Trustees of the regional committee individually will make such recommendations under the conditions as set forth in this letter.

Very truly yours,

*S. I. HAYAKAWA,
Acting President*

*LOUIS H. HEILBRON,
Trustee*

With respect to striking faculty who have been notified of an absence without leave for five consecutive working days, and of consequent automatic resignation pursuant to Education Code Section 24366, the College will review specific statements by these individuals claiming that they have not been so absent. Each person wishing to present such a statement must do so within the next three days. The statement must be signed by the person who claims that he was not so absent and should specify the basis for that claim including a full statement of any assigned duties performed and the times each such duty was performed. These statements will be immediately reviewed. Should it be entirely clear in any instance that such absence did not take place, the individual will be so informed. In all other cases the persons concerned will be given an opportunity within the next two weeks to discuss the matter with a college representative. In any case in which the college concludes that such absence did not take place, college records will be adjusted accordingly.

Any person who differs from a college determination regarding such absence on his part may request the State Personnel Board to reinstate him pursuant to Education Code Section 24311.

The foregoing does not constitute an undertaking by the College to "toll" or postpone the running of the time periods within which to make such request pursuant to Education Code 24311, and it is suggested that anyone who claims that he has not been absent without leave for five consecutive working days, who has been notified by the College that he has been so absent, and who wished to be reinstated to his former position at the College should file a request with the State Personnel Board within the times specified in that section.