TO: STATE COLLEGE PRESIDENTS

FROM: Raymond A. Rydell
Executive Vice Chancellor

SUBJECT: Revised Grievance Procedures for Academic Personnel
Executive Order No. 56

I am pleased to transmit a copy of Executive Order No. 56 which implements the Revised Grievance Procedures policy adopted by the Board of Trustees on June 27, 1968.
REVISED GRIEVANCE PROCEDURES FOR ACADEMIC PERSONNEL
EXECUTIVE ORDER NO. 56

This Executive Order is issued pursuant to Section 42701 of Title 5 of the California Administrative Code, the resolution of the Board of Trustees of the California State Colleges of June 27, 1968, establishing a policy for Grievance Procedures for Academic Personnel, and Sections 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees.

1. Except as provided in this Executive Order, the Grievance Procedures for Academic Personnel (hereinafter referred to as "Procedures"), as approved by the Board of Trustees on June 27, 1968, are established for the California State Colleges. A copy of these Procedures is attached to this Executive Order as Attachment A.

2. Each California State College President shall review the grievance procedures currently in effect for academic personnel at his State College. Subsequent to such review each President shall initiate action which will result in the modification of existing procedures, or the adoption of new procedures, which are in compliance with these Procedures. The grievance procedures of each State College should, if possible, satisfy the minimum standards of these Procedures by the beginning of the spring semester or quarter of 1969; except to the extent that the requirements of any provision is waived pursuant to Paragraph 3 of this Order, the grievance procedures for each State College shall meet such standards no later than the close of the spring semester or quarter of 1969.

3. If, in the judgment of the President of a new or small State College, there are particular provisions in the Procedures which appear impractical to insti-
tute during an identified period of time, he may request the Chancellor to waive such requirements in the case of the particular State College. The Chancellor shall review such requests and take action as appropriate.


5. The provisions of this Executive Order, together with the interpretations and instructions provided in FSA 68-52 and such subsequent FSA letters on this subject as may be issued, should be communicated to the faculty of each State College.

6. Each President shall furnish and keep current copies of his College's grievance procedures, to the Office of Faculty and Staff Affairs and the Office of the General Counsel, in the Office of the Chancellor.

Dated: September 4, 1968

Glenn S. Dumke
Chancellor
TEXT OF REVISED GRIEVANCE PROCEDURES FOR ACADEMIC PERSONNEL
AND IMPLEMENTING RESOLUTIONS

Adopted by Board of Trustees
on June 27, 1968

While an explicit set of minimum standards of policy and procedures on appointment, reappointment, tenure, promotion and reassignment has not yet been established for the California State Colleges, the following Grievance Procedures assume that full and meaningful participation on these matters shall take place at every college. Judiciously devised and applied procedures can do much to prevent grievances.

Preamble

The procedures set forth here are intended to replace the interim procedures instituted in 1961 by Chancellor Buell Gallagher; these procedures deal with grievances relating to individual rights, benefits, working conditions, appointment, reappointment, tenure, promotion and reassignment. Disciplinary action cases should follow procedures that are prescribed elsewhere.

Grievance Procedures

1. Each college shall develop grievance procedures, shall specify channels of processing grievances, and shall give copies of these California State Colleges' provisions and the local campus procedures to each person covered under the terms of the documents.

2. Any faculty member (and any other academic employee holding rank in a discipline) who believes that an injustice has been done to him may initiate grievance procedures. As used in these procedures, the phrase "persons directly involved" means the grievant and those who made the decision(s) about which he is aggrieved.

3. Informal discussion between persons directly involved in a grievance is essential in the early stages of the dispute and should be encouraged at all stages. An
equitable solution to the problem should be sought before the respective persons directly involved in the case have assumed official or public positions that might tend to polarize the dispute and render a solution more difficult. But at no time shall any of the persons directly involved in the case or any other persons use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussions for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

4. Provisions shall be established at each college whereby the formal grievance procedures may be initiated by the aggrieved in any grievance not resolved by the above informal means.

5. Each college shall have a faculty grievance committee that shall be different from those bodies having prior jurisdiction on the issue with which the grievance is concerned. The separate grievance committee shall consist of faculty members selected in accordance with procedures approved by a majority vote of the local faculty and shall have at its disposal any assistance which is reasonably available to the college or the system. No individual who has participated directly in any decision on the issue which has given rise to the grievance shall be eligible to serve on the grievance committee hearing the case.

6. Each college grievance committee shall decide on the basis of written statements presented by the aggrieved person and preliminary discussions with the aggrieved whether or not there are sufficient grounds to hear a case, and whether or not it shall accept written statements in lieu of personal appearances by witnesses. If the grievance committee decides that there are not sufficient grounds to hear a case and closes the case, it shall notify the aggrieved person in writing as to the reasons for its actions. The grievance committee shall respect the judgment of a prior faculty committee on matters of substance as long as that judgment is based on the facts of the case.
Revised Grievance Procedures for Academic Personnel

7. The aggrieved person may present his grievance himself and he and any other person directly involved in the grievance may also be represented by any other person either selects. The committee, those persons directly involved in the grievance and their representatives, may all present statements and ask questions of each other and the witnesses.

8. All grievance hearings shall be open only to participants, their representatives, and to persons presenting information to the grievance committee while they are presenting such information or being questioned before the grievance committee concerning such information, and to such other members of the college faculty and administration as shall be determined pursuant to procedures established at the college, except that the entire proceeding shall be closed if requested in advance by the aggrieved. The procedures of a college may permit a witness who is a member of its faculty or administration to be present throughout a hearing. The closing of a hearing shall not preclude persons directly involved in the grievance from bringing their representatives to the hearing nor the committee from having present such assistance as it deems necessary nor persons directly involved in the grievance from calling witnesses.

9. At any point in the proceedings prior to the time at which the committee meets to consider its decision, a person bringing a grievance may withdraw the grievance with the consent of the grievance committee.

10. In reaching its decision, the committee shall not consider or review any document or other material to which the parties to the grievance are not afforded access with ample time for response.

11. Cases must receive prompt attention. Each college should develop a schedule of time limitations and restrictions to insure that undue delays will not be imposed upon the proceedings.

12. The grievance committee shall make its report, with recommendations for settlement of the case, to the president of the college, with copies to the persons directly
involved in the grievance. The decisions of the President on each case are final on each campus. The decision of the President, except in rare instances and for compelling reasons, shall concur with the judgment of the grievance committee. In the event that the President's decision is not in accord with the grievance committee's judgment, the compelling reasons for his decision shall be stated in detail to the grievant and to the grievance committee.

13. An aggrieved person may appeal to the Chancellor after the President's decision has been reached, if the President does not concur with the recommendations of a grievance committee.

14. If the aggrieved appeals, the Chancellor shall appoint a committee of three persons from a previously selected panel, which is acceptable to the Chairman of the Academic Senate, CSC, which committee shall review the case and arrive at a decision which shall be binding on all parties; provided that no decision may require an action beyond the authority of the California State Colleges to take. Following the committee's decision, the aggrieved shall have no further appeal within the California State College system.
RESOLVED, By the Board of Trustees of the California State Colleges, that the policy recommended by the Academic Senate of the California State Colleges as the Revised Grievance Procedures (AS-174-68/FA modified by AS-186-68/FA) is approved as the policy of the Board of Trustees, and the Chancellor is authorized and requested to publish grievance procedures in a form consistent with this resolution; and be it further

RESOLVED, That the Chancellor is authorized to provide a reasonable interim period of time for those State Colleges needing to revise their local grievance procedures to meet the minimum standards of the Revised Grievance Procedures to do so; and be it further

RESOLVED, That the Chancellor is authorized to waive specific requirements of the Revised Grievance Procedures that may be impractical during a limited period of time for new or small State Colleges and to authorize substitutions for such specific requirements.