

**DEPARTMENT RESPONSE REQUESTED BY OCTOBER 30, 2007**

State of California  
**M e m o r a n d u m**



**To:** David Wehner, Thomas Jones, David Christy, Bonnie Konopak, Mohammad Noori, Linda Halisky, Philip Bailey, Michael Miller, Cornel Morton, Alison Cone      **Date:** October 4, 2007

**From:** Michael H. Suess  
Associate Vice President for Academic Personnel  
  
Rich Saenz  
Chapter President, CFA      **Copies:** Warren J. Baker  
William W. Durgin  
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Department Chairs  
Marty Bragg

**Subject: Faculty Hearing Panel Elections:  
October 8-28, 2007**

The faculty collective bargaining agreement has incorporated an optional grievance procedure as required by the statute authored under SB1212. In the bargaining agreement, the process is referred to as “statutory” grievance.

The bargaining agreement requires that a Faculty Hearing Panel consisting of **full-time faculty members** shall be elected by the members of the faculty bargaining unit based on departmental FTEF (full-time equivalent faculty). Each department with at least 4.0 FTEF shall elect from its own members a number equivalent to twenty-five (25%) of its FTEF, rounded up to the next whole number, to serve on the panel. Departments/units with less than 4.0 FTEF shall elect one of its own members to serve on the panel.

**Enclosure 1 identifies the number of panel members (must be full-time faculty members) to be elected by each academic department or equivalent unit.**

It is worth noting that under the provisions of the MOU implementing SB1212, **any panel member** selected by lot to serve on a Hearing Committee **can consider** the subject of **any grievance, irrespective of academic rank or tenure status**. For example, a full-time lecturer or coach **elected** to the Panel **by a department** can serve on a Hearing Committee to consider a decision regarding non-tenure or non-promotion to full-professor.

*(continued)*

### **VOTING PROCEDURES:**

1. Each department/unit shall determine how the election will be conducted (i.e., at a faculty meeting; by email ballot; by paper ballot, voice ballot, etc.). Self-nomination is permitted.
2. Any **full-time** faculty unit employee **may be elected** to the Hearing Panel (including tenured and probationary faculty, lecturers, coaches, librarians, SSP-AR).
3. Department **elections shall take place between October 8 – 28, 2007.**
4. Any faculty unit employee is entitled to vote (including FERPS, temporary part-time lecturers and coaches, and faculty in the pre-retirement reduction in time-base program). In a few cases, part-time lecturers from the college have been merged with departments for voting purposes only.
5. Votes will be counted as follows, with a majority of votes electing a panel member:
  - a. FERPs and temporary faculty employees with less than .5 time base during Fall Quarter 2007 shall be entitled to .5 vote (**see Enclosure 2**) in the department election.
  - b. FERPs and temporary faculty unit employees with .5 or higher time base during Fall Quarter 2007 shall be entitled to one vote (**see Enclosure 2**).
6. Department heads/chairs are to **notify** the Associate Vice President for Academic Personnel ([msuess@calpoly.edu](mailto:msuess@calpoly.edu)) and the Chapter President of CFA ([rsaenz@calpoly.edu](mailto:rsaenz@calpoly.edu)) of the names of the faculty members elected to the Panel by **October 30, 2007.**
7. In the event a department fails to elect the required number of panel members, or does not provide the names of panel members elected by October 30, 2007, then by default, 25% of all full-time faculty of the department/unit will be selected by lot to the panel.
8. Service on the Hearing Panel is considered University service. As such, service by lecturers elected to the Hearing Panel is considered voluntary (no additional compensation or assigned time will be provided). However, lecturers have the right to decline nomination/election to the Hearing Panel.

Faculty Hearing Panel members will serve on the panel for a period of two years (Fall 2007 through Summer 2009). If a statutory grievance is filed, then four panel members will be selected by lot to serve on the Hearing Committee. Under the faculty contract, hearings will not exceed one day except by written agreement of the parties. Panel members will not be expected to serve on more than one Hearing Committee during a two year term.

For more information about the grievance process, please review Article 10.8-10.22 of the faculty contract accessible on the Academic Personnel website under Policies and Procedures: <http://www.academic-personnel.calpoly.edu/>.