

DATE: September 11, 2007

TO: San Jose State University Faculty Members

FROM: Joan Merdinger, Associate Vice President, Faculty Affairs
and
Liz Cara, CFA Chapter President

SUBJECT: Grievance Procedure – Faculty Hearing Panel – Process & Elections

Under the new labor agreement between The California State University (CSU) and the California Faculty Association (CFA) that was ratified on May 15, 2007, a two-track grievance procedure was established. A faculty member may now pursue a grievance through either the contractual track (traditional process) or the statutory track (new process). The statutory process is based on legislation (SB1212) that was signed into law in 2001 that requires Faculty Hearing Panels be established on each CSU campus by election and from that Panel Committees be selected to hear faculty grievances.

These elections must be held at the department/school level beginning September 17, 2007, and concluded by September 28, 2007. We hope that the election results can be reported by departments/schools to the Office of Faculty Affairs no later than September 28, 2007, in order for the Faculty Hearing Panel to be constituted soon thereafter. Both the SJSU administration and the CFA Chapter are working diligently to see that the election process follows the Unit 3 contract and that it is as simple and clear as possible to ensure the largest number of our faculty will be able to vote.

The Faculty Hearing Panel must have a membership equivalent to 25% of the full-time equivalent faculty (FTEF) on the campus as of October 31, 2006. To achieve the necessary number of Panel members, each department/school should therefore have at least one (1) person per four (4) FTEF. The elections will be held at the department/school level, following each department/school's bylaws and procedures for elections. All faculty are eligible to participate in these department/school elections, although Panel members must be full-time faculty (tenured and tenure-track faculty; lecturers with a 1.0 time base in a department/school who may voluntarily serve). Faculty with less than a time base of 0.5 in a department/school will have 0.5 vote, and faculty with a time base of 0.5 or greater will have one (1) vote.

The membership of each Faculty Hearing Committee will be selected by lot from the Faculty Hearing Panel and must consist of three (3) members and one (1) alternate. According to Provision 10.9, service on the Panel and the Committees "is a normal obligation of each full-time member of Unit 3 [while noting further] service on Faculty Hearing Committees by Lecturers shall be voluntary." Additional information on the statutory hearing process will be provided in due course to all of those full-time faculty who are elected to the campus-wide Faculty Hearing Panel.

To insure the widest possible diversity in the election pool, please try to attend the department meeting and/or be alert to your department notice regarding when the

election is called by your department chair/committee and when the election takes place. In addition to this communication, the CFA Chapter and the Office of Faculty Affairs will be sending a joint notice to department chairs in the very near future with more details on the election process.

For further details on the new grievance procedure, please see Article 10 of the new Unit 3 (Faculty) Agreement, which is available on both the CSU and the CFA websites. Should you have questions, you may contact CFA President Liz Cara at 924-3084 or Elizabeth.Cara@sjsu.edu, or CFA Faculty Rights Chair Isaac Cohen at 924-3567 or cohen_i@cob.sjsu.edu, or the Office of Faculty Affairs (either Joan Merdinger or Brad Davis) at 924-2450.

Thank you for your kind attention to this very important matter.

DATE: September 11, 2007

TO: Department Chairs/School Directors

FROM: Joan Merdinger, Associate Vice President, Faculty Affairs
and
Liz Cara, CFA Chapter President

SUBJECT: Grievance Procedure – Faculty Hearing Panel – Process & Elections

The contract calls for the establishment of a faculty panel that will provide the pool for faculty committees to hear statutory grievances under the new CFA-CSU Collective Bargaining Agreement.

The Agreement calls for the election to the faculty panel from the departments/schools based on FTEF. To briefly recap a few points: each department must have one person on the panel for every four FTEF, rounded up; all fulltime faculty (including lecturers) may serve on the panel; all faculty have voting rights (those with a time base of less .5 have one half a vote, all those with a time base of .5 or more have a full vote).

The election process can follow two basic processes:

Method One:

The election can be held in a department/school meeting using the normal election process provided that all faculty members are properly noticed of the event and allowed to participate. The results of the election can then be forwarded to the Office of Faculty Affairs and CFA. The meeting must be held within five days of your receipt of this letter.

Method Two:

Once you have received this memo from the Office of Faculty Affairs, you, as Department Chair/School Director, must send out an email to all faculty members (including lecturers and tenured and tenure-track faculty) of your department/school announcing that the election will take place and calling for nominations.

The email should include the name of all those in the department eligible to serve on the panel so that the total faculty in the department/school can nominate from among the list. Self-nominations are allowed, and following the practice of campus shared governance, if someone nominates another, he/she should seek that person's approval in advance. The email should have a deadline of seven days for the nominations to be returned.

- If there are more nominations than there are seats on the panel for the Department/school, a paper ballot should be made up reflecting the nominees, ballots should be distributed to each voter, and an election should take place.
- If there are the exact number of nominees listed as there are seats on the panel, the nominees can be certified as "elected" and no election is necessary;
- If there are some nominees on the ballot but not as many as there are seats on the panel from the department/school, those nominees should be certified as elected, and a ballot should go out listing all other eligible members of the department/school as the new nominees, with an election to follow;
- If there are no nominees, the ballot should include all eligible members of the department as the nominees on the election ballot.

The balloting should take five days. Once the balloting period is over, the Department Chair/School Director and one other member of the faculty not on the ballot should certify the election and the results should be forwarded to the Office of Faculty Affairs and CFA.

The faculty should be allowed to vote by email to the department chair, though they need to know that this does not insure that the ballot will be secret.

To ensure both secrecy and that all the voters based on their time status, the paper ballots should be distributed in a double envelope. On the first envelope should be the faculty members name and voting status (1/2 of 1 vote). This envelope is the outside envelope. The second envelope should simply contain the voting status, but not the name. The filled out ballot should be in the interior envelope and then placed in the outer envelope, which should be sealed and signed. This follows the methods employed in faculty elections at SJSU.

We understand that this election process will add somewhat to the chair/director and staff workload, but we think it very important that this contractual obligation is a fair and efficient as possible. Should you have questions, you may contact CFA President Liz Cara at 924-3084 or Elizabeth.Cara@sjsu.edu, or CFA Faculty Rights Chair Isaac Cohen at 924-3567 or cohen_i@cob.sjsu.edu, or the Office of Faculty Affairs (either Joan Merdinger or Brad Davis) at 924-2450.