

SAN DIEGO COMMUNITY COLLEGE DISTRICT

First Annual All Senate Exec's Retreat



Faculty Roles and Responsibilities in Governance

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ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

Where does the Academic Senate Authority come from?

- Education Code
- Title 5 Regulations
- Locally developed policy based on Education Code and Title 5

California Education Code

- Laws resulting from legislation
- Requires legislation to be changed
- Always supercedes Title 5 regulation
- Governance was amended by AB 1725 in 1988

Title 5

- California Code of Regulations
- Derived and approved by the Board of Governors from the California Education Code
- Division 6 - applies to California Community Colleges
- Regulation with the force of law

What is the role of the Academic Senate?

- The Governing Board shall ... ensure ... the right of academic senates to assume primary responsibility for making recommendation in the areas of **curriculum and academic standards**.
 - *Education Code § 70902 (B)(7)*
- (B) Academic Senate means an organization whose primary function is to make recommendations with respect to academic and professional matters.
 - *Title 5 § 53200 (B)*

Title 5 § 53203 - Authority

- (A) Governing Board shall adopt policies delegating authority and responsibility to its Academic Senate.
- (B) Policies in (A) shall be adopted through *collegial consultation* with the Academic Senate.
- (C) Guarantees the Academic Senate the right to meet with or appear before the board.

Collegial Consultation – Defined

Section § 53200 (d):

- ...the district governing board shall develop policies on academic and professional matters through either or both of
 1. ***Rely primarily*** upon the advice & judgment of the Academic Senate
 2. Reach ***mutual agreement*** with the Academic Senate by written resolution, regulation, or policy

Collegial Consultation – Defined

Section § 53200 (d)(1):

- When **rely primarily**
- The recommendations of the senate will normally be accepted...
 - Only in exceptional circumstances and for compelling reasons will the recommendations not be accepted.
 - If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

Collegial Consultation – Defined

Section § 53200 (d)(1):

- When ***mutually agree*** (*and an agreement has not been reached*)
 - Existing policy shall remain in effect except in cases of legal liability or fiscal hardship.
 - Board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

What does the Academic Senate have authority over?

The “10 + 1”



The “10 + 1”

Section § 53200 (c)

1. Curriculum, including establishing prerequisites
2. Degree & Certificate Requirements
3. Grading Policies
4. Educational Program Development
5. Standards & Policies regarding
Student Preparation and Success

The “10 + 1”

Section § 53200 (c)

6. College governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation process
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development

The “+ 1”

Section § 53200 (c)



- Other academic and professional matters as mutually agreed upon.

Additional Notes on Faculty Roles and Responsibilities

- Be vigilant, be firm, but be collegial.
- Know when the fight is worth having.
- Everyone has to compromise sometimes, but do not waive off your rights.
- Put agreements into written college or district policy to protect your faculty.

Additional Notes on Faculty Roles and Responsibilities

- Local disagreements must be resolved locally and should be resolved collegially. State bodies can do no more than offer guidance and advice.
- If you don't show up, your rights and your voice mean nothing.

Appointments to Committees

“The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.” (53203 (F))

Developing A Model for Effective Senate/Union Relations

(ASCCC adopted paper, Spring 1996)

Academic senates and bargaining agents both represent faculty. Each has a unique, defined role, but faculty issues often overlap the areas of responsibility of both the senate and the bargaining agent. It is in the best interest of faculty that the two organizations cooperate and collaborate. With the complexity of challenges facing community colleges, it is expected that this would be a common situation in need of well-defined, agreed-upon strategies. The principles for the development of such a collaboration include significant participation by both parties, agreement by consensus, integrating the knowledge and expertise of all, representing points of view and interests rather than hardened positions, and an open, visible, informal process which generates steady, incremental progress.

Basic Principles of Effective Faculty-Union Relations

- Faculty are best served by two strong organizations
- Bargaining agreements can strengthen the role of the Senate
- The Senate can strengthen the work of the Union – calendars, faculty evaluation
- Clear, genuine communication and information is essential
- Faculty-faculty conflict serves no one

Senate-Union Relationships

- Internal vs. external bodies
- Work Conditions and employment situation vs. academic and professional matters
- Consultation vs. negotiation
- Separate functions and purviews but should be working together

Senate-Union Relationships

Areas of overlap:

- Tenure Evaluation Procedures

“In those districts where tenure evaluation procedures are collectively bargained pursuant to Section 3543 of the Government Code, the faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on these procedures.” (Sec. 87610.1 (A))

Senate-Union Relationships

Areas of overlap:

- Tenured Faculty Evaluation Procedures

“In those districts where faculty evaluation procedures are collectively bargained, the faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures.”
(Sec. 87663 (F))

Senate-Union Relationships

Areas of overlap:

- Faculty Service Areas

“The establishment of faculty service areas shall be within the scope of meeting and negotiating pursuant to Section 3543.2 of the Government Code. The exclusive representative shall consult with the academic senate in developing its proposals.” (Sec. 87743.2)

Senate-Union Relationships

Areas of overlap:

- Other areas of mutual interest

It is no more a good idea to make everything an academic and professional matter than to make everything a contract issue.

Senates should recognize the important role played by unions in suggesting language that formalizes the senate's recognition of the need to bargain a variety of items. In the process, senates can invite unions to bargain formal recognition of the senate's role in its various 10 + 1 areas.

Collaborative Agreements

- Responsibility and authority must be equal
- Good decision-making = cooperation and participation
- Inclusion rather than exclusion
- Clarify who makes the final decision
- Learning is foundational to good collaboration
- Collaboration is an investment in the future
- Innovation and problem solving thrive in open and trusting environments

