

Senate-Union Relations: Responding Effectively to Challenges and Disruptive Forces

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Outline

- Why Does this Matter?
- What do the Rules Say?
- What is Good Practice?
- Scenarios and Discussion



Why Does this Matter?

- Audience participation – Why does this matter?



Related Codes and Regs

- Education Employment Relations (Rodda) Act
 - Gov Code 3540-3549 (K12 and CCC)
- Ed Code
 - 87610.1(a) 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.



Related Codes and Regs

- Ed Code

- 87663 (f) 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.



Related Codes and Regs

- Ed Code
 - 87743.2 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.



Related Codes and Regs

- Title 5 Regulations
 - 53203(f) 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.



Related Codes and Regs

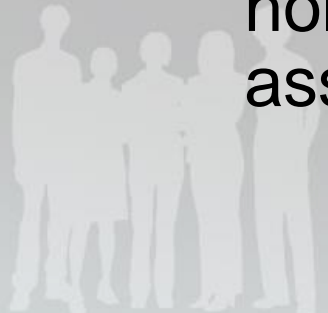
- Title 5 Regulations

- 53204 Nothing in this Subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.



What is (or isn't) Negotiable?

- EERA (Rodda Act – 1975) establishes 3 groups
 - That which law prohibits from being negotiable
 - That which law mandates is negotiable
 - Everything else (negotiate to be negotiable)
- EERB has pre-established common negotiable elements (from law or otherwise)
 - Compensation, calendar, grievance, class size, holidays, hours, promotions, prep time, assignments, overtime, benefits, etc.



What can Senates Do?

- Title 5 53200-53205
 - Collegial Consultation on Academic and Professional Matters (10+1)
 - Appoint faculty to committees
 - Determine equivalencies



What can Staff and Students Do?

- Title 51023.5/51023.7 Participate Effectively
 - (a) The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance.
 - (a) The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance.



What is Good Practice?

- Open (formal and informal) lines of communication
 - Union reports at senate, Senate reports at union
 - Mutual liaisons
 - Monthly meetings of leadership
 - Shared events/Prof. Dev. Activities
 - Others???



What is Good Practice?

- Memorandums of Understanding (MOUs)
 - Define partners
 - Define expectations
 - Define specifications of performance and criteria
 - Define clear lines of delineation or territory
 - Define process for the unexpected
 - Others???



What is Good Practice?

- Decorum
 - Understand and respect points of disagreement
 - Focus on points of agreement
 - Acknowledge and respect variances in operational parameters, each have different rules to live by
 - Don't bomb each other, particularly in public



What is Good Practice?



Scenarios

- ***Faculty Evaluation:*** *The vice-president of instruction of the college believes that the process for evaluating tenure-track (but not yet tenured) faculty should be revised and asks to be placed on the agenda of an academic senate meeting to discuss his ideas with the senate.*
- *The senate president agrees and places the item on a senate agenda.*
- *The local bargaining agent president notices the item and informs the senate president that the bargaining agent will be filing a grievance against the senate president for encroaching on the bargaining agent's authority.*



Scenarios

- **Determining appropriate course caps**
 - The Academic Senate is interested in developing a policy for establishing course caps based on pedagogical factors. An Academic Senate task force is formed which consist of the Academic Senate President, a division chair, and three faculty, one from each of the deans clusters. This group drafts a course caps policy, which it brings to the Academic Senate for approval. At this meeting, the Union President objects on the grounds that the union was not consulted on this issue and this is the first she or the union has seen this policy.



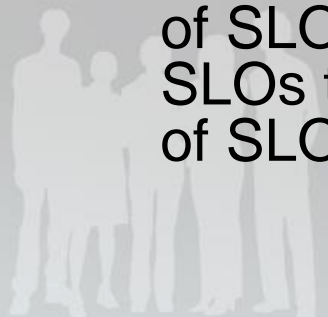
Scenarios

- **Prioritization of New Full-time Faculty Hires**
 - During contract negotiations, the collective bargaining agent was able to persuade the administration to define a number of standing shared governance committees, including a Faculty Hiring Prioritization Committee. While acknowledging the role of the Academic Senate in hiring, nevertheless, the union negotiating team inserted language calling for union representation on the prioritization committee. In a separate article in the agreement, new language was also inserted that spelled out the prioritization criteria to be considered by the committee. Upon learning of the new language, the Academic Senate protested the intrusion of the union into a clearly defined academic and professional area.



Scenarios

- **Student Learning Outcomes.** District faculty (in an MCD) are working hard to meet the demands of Student Learning Outcomes (SLOs) and are successful to varying degrees. Concern among administrators is growing with an approaching accreditation site visit. The campus Academic Senates have cooperated to move the process forward. Faculty are concerned about the heavy workload, and friction is occurring between faculty about SLOs.
- Tensions have come to focus on requiring inclusion of SLOs in the course information supplied to students. Senate direction on the matter has been inconsistent among the colleges.
- The bargaining agent is concerned about the workload impact of SLO development, and the question of communicating SLOs to students. The bargaining agent knows that the role of SLOs in faculty evaluation looms.



Scenarios

- Issue:
 - Senate wants to go into closed session to develop negotiation points for faculty in a variety of areas.
 - Senate is a senator-representative body in a multi-college district represented by one bargaining agent.
 - Senate President and Union Liaison disagree on legality of closing session.

