

Sections of AB 1725 Affecting Academic Senates

Part I: Intent Language

- [Policies and Guidelines Concerning the Academic Senate]

Under existing law, there are no express requirements that the board of governors develop guidelines or plans with respect to the academic senate, and the role of students on governance, or that the board clarify and define particular matters with respect to executive officers, in the community colleges.

This bill would require the board of governors to develop policies and guidelines concerning the academic senate, and standards regarding the role of students in governance.

- [Waiver of Minimum Qualifications for Hire]

In addition, the bill would require that the board of governors adopt, subject to enumerated requirements, regulations authorizing governing boards to establish a process for employment of persons who do not meet the minimum qualifications. The bill would require that, among other things, the regulations require that the process, as well as the standards and criteria under which the governing board reaches its determinations, be developed and jointly agreed upon by the representatives of the governing board and the academic senate, and approved by the governing board. The bill would require that the existing process remain in place until the joint agreement is reached and approved. The provisions summarized in this paragraph would impose a state-mandated local program.

- [Senate Role in Hiring Criteria, Policies, Procedures]

The bill would require that community college districts, in establishing hiring criteria for faculty administrators, identify criteria which address specified matters. It would also require that hiring criteria, policies, and procedures for new faculty members be developed and agreed upon jointly by representatives of the governing board, and that until the joint agreement is reached and approved, that the existing process remain in effect. The changes summarized in the paragraph would impose a state mandated local program.

- [Administrator Retreat Rights to Probationary faculty Status]

This bill would repeal that provision [granting faculty tenure to administrators], and impose a state-mandated local program by providing. Instead, that a person employed in an administrative position that is not part of a classified service, who has not previously acquired tenured status as

a faculty member in the same district, has the right, pursuant to a process developed and agreed upon jointly by representatives of the governing board and the academic senate, to become a 1st year probationary faculty member once his or her administrative assignment expires or is terminated, subject to specified conditions. The bill would require that the existing process remain in place until the joint agreement is reached and approved

- [Consultation with Senate on Evaluation Procedures]

In those districts in which evaluation procedures are collectively bargained, this bill would require that the faculty's representative consult with the academic senate before engaging in collective bargaining on those procedures.

- [Waiver of Minimum Qualification for Tenure]

The bill would establish the minimum degree for tenure as a bachelor's degree or the equivalent from an accredited institution, or an equivalent foreign degree. This requirement would not apply to vocational faculty until January 1, 1994. The bill would also provide for the granting of waivers from the degree requirement, under enumerated conditions, and pursuant to a process developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The bill would require that the existing process remain in place until the joint agreement is reached and approved. The changes summarized in this paragraph would impose a state-mandated local program.

SEC. 4 (f) [Delineation of Function Between Bargaining Agents and Senates]

Changes in the governance of the California Community Colleges will affect, and be affected by, current collective bargaining agreements and the statutes governing those agreements, and that with regard to jurisdictional matters and questions of process, there can be considerable confusion regarding the relationship between collective bargaining agents, academic units organized through the colleges including departments and schools, and the academic senates.

SEC. 4 (t)(8) [Faculty Role in Hiring]

Final hiring decisions are, whenever reasonably possible, made during the regular academic year and promptly communicated to the faculty; the expectation that faculty recommendations regarding the hiring of faculty will normally be accepted is reinforced; and only in exceptional circumstances, and for compelling reasons communicated to the selection committee and to the president of the academic senate of the college, will someone be hired as a faculty member who has not been found to be among the best qualified by the faculty.

PART II: Codified Mandates

66720 [General Education Transfer Curriculum]

The Board of Governors of the California Community Colleges, the Regents of the University of California, and the Trustees of the California State University, with appropriate consultation with

the Academic Senates of the respective segments, shall jointly develop, maintain, and disseminate a common core curriculum in general education courses for the purposes of transfer. Any person who has successfully completed the transfer core curriculum, shall be deemed to have thereby completed all lower division general education requirements for the University of California and the California State University.

70901 (b)(1)(E) [Senate Role in Curriculum and Academic Standards]

[The Board of Governors shall establish minimum standards, including, but not limited to, the following:] Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

70902 (b)(7) [Senate Role in Curriculum and Academic Standards]

[The governing board of each community college district shall:]

Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

71000 (c) [Faculty Members of the Board of Governors]

[The Board of Governors is expanded to include]

Two voting tenured faculty members from a community college, who shall be appointed by the Governor for two-year terms. The Governor shall appoint each faculty member from a list of names of at least three persons furnished by the Academic Senate of the California Community Colleges. The first voting tenured faculty member appointed to the board shall occupy the seat on the board that is made available by the next full-term vacancy of a four-year term that exists after January 1, 1984. The first voting tenured faculty member appointed to the additional voting tenured faculty member seat on the board provided by the amendments to this section enacted by the Statutes of 1987 shall occupy the second seat on the board that is made available by the next full-term vacancies that exist after January 1, 1988. Thereafter, each seat shall be designated as a voting tenured faculty member seat and shall in the future be filled by a tenured faculty member from a community college pursuant to this section and Section 71003.

87357 (a) [Minimum Qualifications for Faculty]

In establishing and maintaining minimum qualifications pursuant to Section 87356, the board of governors shall do all of the following:

(1) With regard to minimum qualifications for faculty, consult with, and rely primarily on the

advice and judgment of, the statewide Academic Senate, and with regard to minimum qualifications for instructional or student service administrators, consult with, and rely primarily on the advice and judgment of, an appropriate statewide organization of administrators. In either case, the board of governors shall provide a reasonable opportunity for comment by other statewide representative groups.

(2) The board of governors shall establish a process to review at least every three years the continued appropriateness of the minimum qualifications, and the adequacy of the means by which they are administered. The process shall provide for the appointment of a representative group of community college faculty, administrators, students, and trustees to conduct or otherwise assist in the review, including particularly, representatives of academic senates, collective bargaining organizations, and statewide faculty associations. In addition, the group shall be broadly representative of academic and vocational programs in the curriculum from both urban and rural districts, and representative of ethnic minority communities.

(b) The board-of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prescribe by regulation a working definition of the term “discipline” and shall prepare and maintain a list of disciplines that are “reasonably related” to one another, as that phrase is used in the minimum qualifications. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

In formulating advice and recommendations to the board of governors regarding the definition of the term “discipline,” the statewide Academic Senate shall consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents. The statewide Academic Senate shall incorporate the advice of those groups into its recommendations to the board of governors, particularly as it relates to the practical ramifications of any proposed definition of the term “discipline” on issues of reassignment, transfer, and reduction in force.

The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prepare and maintain a list of disciplines in which the master’s degree is not generally expected or available. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

87359 (b) [Waiver of Minimum Qualifications for Hire]

The process, as well as criteria and standards by which the governing board reaches its determinations, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be

available for review pursuant to section 87358.

87360 (a) [Hiring Criteria, Policies, Procedures]

In establishing hiring criteria for faculty and administrators, district governing boards shall, no later than July 1, 1990, develop criteria that include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of college students.

(b) No later than July 1, 1990, hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the governing board, and the academic senate, and approved by the governing board.

(c) Until a joint agreement is reached and approved pursuant to sub-division (b), the existing district process in existence on January 1, 1989, shall remain in effect.

87458 (a) [Administrator Retreat Rights]

The process by which the governing board reaches the determination shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that the administrator possesses the minimum qualifications for employment as a faculty member. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to section 87358.

(b) Until a joint agreement is reached pursuant to subdivision (a), the district process in existence on January 1, 1989, shall remain in effect.

87610.1 (a) [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.

87615 [Waiver of Minimum Qualifications for Tenure]

(b) The process by which the governing board reaches the determination has been developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that rare and compelling reasons exist to grant tenure. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to section 87358.

(c) Until a joint agreement is reached pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

87663 (f) [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.

87743.2 [Faculty Service Areas--Consultation with Senate]

Not later than July 1, 1990, each community college district shall establish 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.

87743.3 [Faculty Service Areas--Grievance Procedures]

Each faculty member shall qualify for one or more faculty service areas at the time of initial employment. A faculty member shall be eligible for qualification in any faculty service area in which the faculty member has met both minimum qualifications pursuant to section 87356 and district competency standards. After initial employment, a faculty member may apply to the district to add faculty service areas for which the faculty member qualifies. The application shall be received by the district on or before February 15 in order to be considered in any proceeding pursuant to section 87743 during the academic year in which the application is received. Any dispute arising from an allegation that a faculty member has been improperly denied a faculty service area shall be classified and procedurally addressed as a grievance. If the district has no grievance procedure, fair and equitable procedures for the resolution of the disputes shall be developed by the academic senate and representatives of the governing board.

PART III: Uncodified Mandates

SEC. 58 [EERA Review]

The board of governors of the California Community Colleges shall review the education employment relations act, chapter 10.7 (commencing with Section 3540) of division 4 of title 1 of the government code, with regard to the delineation of roles and responsibilities of the academic senate and the faculty bargaining agents, especially in light of proposed changes in the role of faculty concerning hiring, peer review and evaluation, and curricular design. The results of this review including the recommendations of the board of governors shall be submitted to the legislature no later than January 1, 1993. The board of governors shall convene a committee, for the purpose of conducting the review. The committee shall include representatives from faculty and employee groups, collective bargaining organizations, and academic senates.

This section shall become operative only if funds are specifically appropriated to the board of governors for purposes of this section.

SEC. 61 [Guidelines for Strengthening the Academic Senate]

The Board of Governors of the California Community Colleges shall, by JANUARY 1, 1990, do all of the following:

- (a) Develop policies and guidelines for strengthening the role of the academic senate with regard to the determination and administration of academic and professional

standards, course approval and curricula, and other academic matters.

SEC. 65. (a) [Part-Time Faculty Option-Rollover Contracts]

The Board of Governors of the California Community Colleges shall develop a pilot program regarding the employment of part-time temporary faculty by option-rollover contracts in selected areas of specialization. The board of governors shall select three community college districts to implement the two-year pilot program.. Community college districts eligible to participate in this pilot program shall be those whose proposal for participation has the concurrence of the local exclusive bargaining representative. In districts having no exclusive bargaining representative, the plan must have the concurrence of the local academic senate.

General Education Transfer Curriculum

Background:

Section 66720 of Assembly Bill 1725 (Vasconcellos) mandates the development of a transfer core curriculum to facilitate the transfer of students from the California Community Colleges to the University of California and California State University. This mandate, already being addressed by the faculty of the three post-secondary segments, should prove extremely beneficial to community college students, for it will eliminate current confusion created by the myriad of articulation agreements with each of the 19 CSU campuses and 8 UC campuses which offer undergraduate courses of study.

Adoption of 31 Units of a General Education Transfer Curriculum and of UC and CSU Transfer Curricula:

In November, 1987, the Intersegmental Committee of the Academic Senates of the UC, CSU, and Community Colleges adopted 31 units of a general education transfer curriculum, recognizing it as the base upon which the full transfer curriculum will be built. In May, 1988, the UC Academic Senate adopted a UC general education transfer curriculum of 34 units, adding a second English composition class to the 31 unit base. At the same time, the CSU Academic Senate adopted a 37 unit general education transfer curriculum, adding an oral communication and a critical thinking requirement to the 31 unit base. Thus, at the present time, the segments are just 9 units apart from final agreement upon a single curriculum.

Community College Recommendations:

Meanwhile, the Chancellor's Office and Academic Senate for California Community Colleges tallied results of a spring, 1988, statewide survey of administrators and faculty, and compiled the following recommendations for development of the final curriculum:

1. There is need for greater uniformity and consistency among receiving campuses in the interpretation and application of regulations regarding the "double counting" of some courses for both general education and academic major requirements, as well as general education and state Education Code requirements.
2. Critical thinking need not be required as a separate course in the general education curriculum, but critical thinking skills should be developed in courses throughout the curriculum.
3. The separate course requirement for critical thinking should be eliminated in order to allow the transfer curriculum to include two semesters of English composition and one semester of oral communication as requirements.

4. The proposed general education curriculum should include a foreign language competency requirement which could be fulfilled by the student's successful completion of two years of high school instruction, or the college equivalent. A uniform definition of the college equivalent of two years of high school foreign language instruction should be adopted and applied consistently by the UC and CSU systems.
5. Applied statistics should be allowed to fulfill the mathematics/quantitative reasoning requirement, provided that the statistics courses have a prerequisite of at least intermediate algebra.
6. The three segments of public post-secondary education should develop a uniform policy for granting credit for high school advanced placement courses.

The Intersegmental Committee of the Academic Senates will continue to address the general education transfer curriculum in the hope of reaching final agreement before the conclusion of the current academic year.

Development of a High-Pre-requisite Major Curriculum and of Implementation Process:

In addition, two subcommittees of the Intersegmental Committee of the Academic Senates are also at work. One has set as its task the development of a general education transfer curriculum for students with high prerequisite majors. Chaired by Edward Alpers (UCLA), this committee has just begun to meet. Its work should facilitate the transfer of engineering, nursing, and other students in the professions. The second subcommittee, chaired by Phil Hartley (Chaffey), will develop a mechanism for implementation of the transfer curriculum. At this time, UC has agreed to adopt a certification process similar to that used by CSU; thus, students transferring to either CSU or UC would have their community college course-work certified for transfer by the community college. The receiving institution could challenge courses it deemed inappropriate or outside the guidelines of the general education curriculum description.

Report of the Intersegmental Drafting Committee for a General Education Transfer Curriculum

Following a careful, extended process of deliberation and analysis of existing criteria and requirements, the Intersegmental Drafting Committee for a General Education Transfer Curriculum is pleased to submit its recommendations. In doing so, it has been attentive both to its specific charge and to the broader concerns of our society with respect to the general education of our post-secondary student population.

The committee believes that the principal role of general education is to develop students' abilities to think and that an effective way to meet this standard is to emphasize that most general education courses should require significant amounts of writing. General education courses should not merely transmit information, but should require analysis, criticism, and synthesis. One of the most effective tools for achieving these goals is the written essay, evaluated with attention to the quality of its writing as well as the accuracy of its content. In addition, the committee also notes that speaking, listening, and reading are important abilities that a general education courts should foster. Participation in the intellectual and cultural life of our society requires sound ability in verbal communication of all kinds.

The committee also believes that courses in the transfer curriculum should be culturally broad in their conception. They should help students understand the nature and richness of human culture and social structures through a comparative approach, and have a pronounced historical perspective.

Similarly, one of the most useful things that students should get from their general education is an understanding of the modes of inquiry that characterize the different areas of human thought the nature of the questions that can be addressed, the way questions are formulated, the way analysis is conducted and the nature and limitations of the answers obtained.

The preceding comments should make clear the committee's intention that the General Education Transfer Curriculum be intellectually challenging; indeed, it must be to do a responsible job of preparing students for entry into the upper division of our demanding four-year institutions and for full participation in the life of the state. It is equally clear that participation in such a curriculum itself requires adequate preparation. Finally, the committee takes this opportunity to reemphasize the importance of high school preparation, and to caution that poor preparation may require students to take remedial courses prior to entry into the transfer curriculum.

Completion of the General Education Transfer curriculum prior to transfer should be recognized as satisfying all lower division general and breadth education requirements of the receiving institution. Any receiving institutions that insist upon the completion of certain of their general education requirements as a prerequisite for transfer must also accept completion of the full transfer curriculum as satisfying that screening requirement. However, the receiving institution may legitimately insist that transfer students complete any general education requirement that must be taken at the upper division level by non-transfer students, or that must be satisfied by all students by upper division course work. In addition, transfer students must fulfill all other admission requirements.

General Education Transfer Curriculum

Both the State University and the University have a specific American Institutions requirement that is separate from their general education requirements. Completion of the General Education Transfer Curriculum might not satisfy those requirements. Similarly, general education requirements are separate from lower division requirements for the major. Students pursuing majors that require extensive lower division preparation may not find the General Education Transfer Curriculum option to be advantageous.

All courses offered towards satisfaction of the requirements of the General Education Transfer Curriculum must be baccalaureate in level and must be acceptable for transfer among all segments of public post-secondary education. Advanced Placement credit that is considered equivalent to a course accepted for credit towards the Transfer Curriculum should also be acceptable. The following requirements are listed in terms of the number of semester-courses specified for each designated area and the minimum number of semester units so represented. Appropriate conversions for quarter-system campuses (five community colleges, six campuses of the California State University, and seven campuses of the University of California) will be developed within each segment.

Proposed General Education Transfer Curriculum

Subject Area English Communication (3 semesters, 9 units)

The English Communication requirement shall be fulfilled by completion of three semesters or nine units of lower division courses in English reading, critical thinking, written composition, and oral communication, at least two semester or six units of which must be devoted to written composition. Courses in this area shall include close analysis of a variety of representative texts.

The inclusion of a sequence in English Communication in a program of general education is of basic importance to the remainder of the Curriculum. Ability to read at a mature level, to think critically, to write with clarity, and to speak effectively is fundamental to acquisition of knowledge in other areas of the liberal arts. Transmission and exchange of ideas is an essential part of the activity of a liberally-educated citizen. These courses should enable students to go beyond the level of reception and transmission of information and ideas to the more abstract conceptualization of ideas.

Subject Area: Mathematics/Quantitative Reasoning (1 semester, 3 units)

The Mathematics/Quantitative Reasoning requirement shall be fulfilled by completion of a one-semester or three-unit course in mathematics or statistics.

Courses on the application of statistics to particular disciplines may not be credited towards satisfaction of the Mathematics/Quantitative Reasoning requirement.

The increasingly complex, technological nature of the society in which we live routinely confronts us with a variety of information requiring calculation, comparison, and other forms of

analysis for problem solving. In addition, many disciplines require a sound foundation in mathematical concepts. The requirement in Mathematics/Quantitative Reasoning is designed to prepare students to respond effectively to these challenges.

Subject Area: Arts and Humanities (3 semesters, 9 units)

The Arts and Humanities requirement shall be fulfilled by completion of three semesters or nine units of course-work which encourages students to analyze and appreciate works of intellectual, literary, aesthetic and cultural importance. At least one course shall be taken in the Arts and one in the Humanities. Courses should provide students with some historical understanding of major civilizations and culture, both Western and non-Western, including those of ethnic minorities. In the Arts, students should also learn to develop an independent and critical aesthetic perspective.

Courses that are primarily performance or studio classes in the Arts may not be credited towards satisfaction of the Arts and Humanities requirement.

The Arts and Humanities historically constitute the heart of a liberal arts general education because of the fundamental humanizing perspective that they provide for the development of the whole person. Inclusion of this requirement is, therefore, grounded in the deepest traditions of Western education, with its emphasis on language, literature, and the fine arts. At the same time, the great diversity of contemporary American—especially Californian--society adds a vibrant dimension to our received definition of the Arts and Humanities that opens up great possibilities for expansion of that tradition. To focus on the received traditions of the West and the less familiar traditions of other cultures, including, the minority cultures in our own society, is to enrich the education of future generations of California citizens.

Subject Area: Social and Behavioral Sciences (3 semesters, 9 units)

The Social and Behavioral Sciences requirement shall be fulfilled by completion of three semesters or nine units of coursework which reflects the integration of human Social, political, and economic institutions and behavior. Problems and issues in these areas should be examined in their contemporary and historical setting, as well as present a comparative perspective on both Western and non-Western societies, including those of ethnic minorities. Courses should be presented from a theoretical point of view and focus on core concepts of the discipline rather than on personal, practical, or applied aspects.

No more than one of the courses taken to satisfy the United States History, Constitution, and American Ideals Requirement (Title S. California Administrative Code, Section 40404) shall be credited towards satisfaction of the Social and Behavioral Sciences Subject Area requirement.

Each of us is born into, lives, and must function effectively within an environment that includes other individuals. People have, from earliest times, formed social and cultural groups that constitute the framework for the behavior of the individual as well as the group. By taking courses in the Social and Behavioral Sciences students will gain a basic knowledge of the

cultural behavior and social organizations in which they exist as well as the cultural behavior and social organizations of other human societies.

Subject Area Physical and Biological Sciences (2 semesters, 7 units)

The Physical and Biological Sciences requirement shall be fulfilled by two semester or seven units of coursework which includes at least one course in the Physical Sciences and one course in the Biological Sciences, at least one of which incorporates a laboratory. Courses should emphasize experimental methodology, the testing of hypotheses, and the power of systematic doubt, rather than the recall of “facts.” Courses that emphasize the interdependency of the sciences are especially appropriate for non-science major.

The contemporary world is pervaded by science and its applications, and many of the most difficult choices facing individuals and institutions concern the interface of scientific and technological capability with human values and social goals. To function effectively in such a complex world, students must develop a comprehension of the basic concepts of physical and biological sciences, and a sophisticated understanding of sciences as human endeavor, including the limitations as well as the power of scientific inquiry.

Respectfully submitted,

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Development of List of Disciplines for Hire

Assembly Bill 1725 will abolish credentials and put in place a new system for hiring faculty in the California Community Colleges. Central to that new system is the development of a list of disciplines and the establishment of minimum degree requirements. A new faculty member will need to have a master's degree in the discipline of the faculty member's assignment; or a bachelor's in the discipline and a master's in a reasonably related discipline; or, for faculty in the technical and trades areas where master's or bachelor's degrees are not widely available, an associate degree plus six year's professional experience. Locally, faculty and administration may jointly agree to more stringent degree requirements, but, until the Board of Governors adopts a change, these are the minimum standards statewide under AB 1725.

The legislation requires that the Board of Governors prepare the list of disciplines by July 1, 1989, and that the Academic Senate for California Community Colleges be actively involved in the development of the list. Thus, the Educational Policies Committee of the Senate has begun to discuss this issue and has raised the following questions:

1. What courses should a faculty member with a master's in the humanities be recognized as qualified to teach? Does this degree represent the equivalent of a master's in history, art, literature, music, etc.?
2. Should the list recognize that a degree such as a master's in the humanities qualifies a faculty member to teach history, literature, music, and art at a small college where faculty have traditionally taught a range of subject areas, but not at a large one?
3. If physics qualifies as a discipline "reasonably related" to mathematics, should a faculty member with a bachelor's in physics and a master's in mathematics be recognized as qualified to teach physics? Or should the master's in physics be a minimum requirement for someone assigned to teach physics?
4. Now that the master's in composition is becoming a more common degree, should it be required of faculty who teach remedial English or freshmen composition courses? Is someone with a master's in composition or journalism or speech to be recognized as qualified to teach literature? Is someone with a master's in literature qualified to teach journalism or speech?
5. Given the fact that the few community colleges offer courses in education as a field of study, what courses does a master's in education qualify an individual to teach? Is education "reasonably related" to all teaching fields?

6. What should be the minimum requirements for counselors? Counselors only recently tightened the current requirements for faculty who want to counsel students. Should those requirements be reflected in the list of disciplines, and, if so, how is that accomplished?

We invite you to participate in these discussions, and we welcome your suggestions, comments, and questions as we work to shape this issue.

For: Academic Senate Fall Session 1988
Prepared by: Susan Petit

AB 1725 and Faculty Hiring and Layoffs

AB 1725, signed by Governor Deukmejian on September 19, 1988, has many provisions relating to faculty hiring and dismissal and calls for action by the Academic Senate for California Community Colleges and by local academic senates. The intent language says, among other things, that the "Legislature specifically intends to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties" such as those involving "evaluation, hiring, or retention" of faculty and administrators (Sec. 4 n and o). Throughout the language changing the Education Code, academic senates are generally referenced as the bodies through which faculty will carry out such duties.

Phase I funding (beginning in this academic year) will go toward staff development, affirmative action, adopting regulations for the new hiring provisions, developing criteria for categorical funding and accountability measurements, and the Fund for Instructional Improvement. The first part of Phase II funding, which involves implementing the various reforms regarding hiring and dismissal, will not take effect until the Legislature allocates \$70 million, and the second part of Phase II, which involves the categorical funding mechanism and the new probation standards, will not take effect until another \$70 million is allocated. In other words, there is money now to develop new regulations, but most of the implementation will not take place until at least 1989-90 (the first \$70 million) and 1990-91 (an additional \$70 million). Poor economic conditions in California could delay funding beyond those dates.

Hiring

The Academic Senate must begin now to develop new hiring criteria which will replace the current credentialing requirements on July 1, 1990, providing the additional money is appropriated. In adopting new hiring criteria, the Board must "consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate" (87357(1)). AB 1725, meanwhile, specifies what the new criteria will be "unless and until amended." These new criteria are 1) a master's degree in the "discipline" or a bachelor's degree in the "discipline", and a master's degree in the "discipline reasonably related" to the teaching field or 2) in fields where the master's "is not generally expected or available," a bachelor's degree in the "discipline" or an associate degree in a "discipline reasonably related" to the teaching field plus a specified number of years of professional experience and, if available, professional certification.

Clearly, definitions must be developed to implement this language. By July 1, 1989, The Board of Governors, "relying primarily upon the advice and judgment of the statewide Academic Senate," is to define "disciplines" and adopt a list of disciplines which are "reasonably related," and the Senate is to consult with administrators and collective bargaining agents in preparing its advice. Similarly, the Board must draw up a list of disciplines in which a master's degree is not generally "expected or available," again relying on the Senate's "advice and judgment," the list to be distributed by July 1, 1989 (873s7(b)). It is possible, given the language of AB 1725, that the Board could ultimately adopt entirely different criteria if advised to do so by the Academic

Senate, but that would be a later development if it happened at all.

On the local level, by July 1, 1990, each board and academic senate is to agree upon “hiring criteria, policies, and procedures for new faculty members” (87360(b)). Local senates and boards are also to agree on standards to be used to hire faculty who do not possess the minimum qualifications but whose qualifications are “at least equivalent” to them (87359(b)). Administrators who do not have faculty tenure do not gain tenure while working as administrators but can have the right to become probationary faculty under certain circumstances, including a process “developed and agreed upon jointly” by the senate and the board and procedures to assure that the board “relies primarily upon the advice and judgment of the academic senate.” (87458(a)).

Layoffs

The “disciplines” listed by the Board of Governors would probably be broad areas such as mathematics or drafting or counseling. Each district, however, is to bargain (if there is a collective bargaining agent) on areas, called “faculty service areas,” which could possibly determine course assignments and which would govern layoff order. These areas would probably be narrower than a discipline, for a faculty service area is defined as “a service or instructional subject area or group of related services or instructional subject areas performed by faculty and established by a community college district” (87743.1). Each district is to establish its areas by July 1, 1990, through collective bargaining if desired; the bargaining agent is directed to “consult” with the local senate (87743.2).

When faculty are first hired (beginning on July 1, 1990), they will qualify for at least one faculty service area, under local competency standards. Faculty could qualify for additional areas after their initial hiring, if they met the locally bargained competency standards. The Academic Senate should develop model lists and criteria, in concert with statewide bargaining agents, to guide local senates.

Grandfathering provisions are unclear. The new Education Code language says that currently employed faculty are “entitled to serve” under the terms of any credentials they hold until the credential terminates and will not need to meet the minimum qualifications (87355), but the legislative counsel’s digest says that “the person is not required to meet the minimum qualifications until June 30, 1990 (15). This seems to be a simple error, but clarification is needed. It is also not clear how “faculty service areas” relate to continuing faculty members and their possible layoff, nor is it clear whether faculty hired before July 1, 1990, must qualify for faculty service areas.

Vocational Education and AB 1725

The passage of AB 1725 brings some unique challenges and opportunities to faculty in the occupational areas. The bill establishes vocational education as a primary mission of the community colleges. (66701 b1) This makes occupational education of equal importance with the provision of lower division transfer education. To ensure that the community college system is accountable. (71020.5) Measures of accountability include, among others, completion rates of occupational courses and programs and the preparation of the workforce for entry level positions which are relevant to the needs of the state as well as upgrading and career changes.

We need to ensure that numbers are not the sole measure of accountability. Indeed many of our certificate programs might be considered unsuccessful if this were the only measure that used. Vocational faculty need to participate in the development of criteria of success which reflect the goals of our students. In many programs, students do not wish to obtain a certificate. They come to get skills which allow them to become productive workers. They obtain these skills and leave the college very satisfied with the education they received. These students must also be counted in the accountability system. As faculty, however, we have the responsibility to encourage these students to take classes leading to the Associate Degree and help them strive to reach their full potential.

One opportunity for faculty to assist students in broadening their expectations lies in the development of Career Resource and Placement Centers. (78212.5 a) These centers are allowed at each college within a district. It is hoped that these centers will become as important as Transfer Centers. These centers can function in such a manner as to expose the student to the possibilities within the chosen field which the student may not have been aware. The center can help place the student after completion of the program and provide a stimulus to help the student remain in college to finish the prescribed course of study.

Among the most far reached effects of AB 1725 is the abolition of credentials (87355) and the establishment by the Board of Governors of minimum qualifications for hire (67356) and tenure (87615). It is felt by some that this puts an unfair burden on some vocational faculty. It is important to note that these minimum qualifications are not in statute but are in regulations to be adopted by the Board of Governors, reviewed at least every three years. This provides a means to change the minimum qualifications if indeed some vocational areas cannot attract qualified faculty as feared. The anticipated qualifications all for the hiring of an individual with a bachelor's degree in a field reasonably related to the individual's assignment plus two years experience plus certification to practice or licensure if available, or possession of an associate degree in a discipline reasonable related to the individual's assignment and six years experience plus appropriate certification of practice or licensure if available. The Senate is already at work developing a list of disciplines including those in which a master's degree is not generally available or expected.

Tenure requirements for all faculty shall be possession of a bachelor's degree. For vocational

faculty this will go into effect on January 1, 1994 (87615). This requirements for a bachelor's degree does not apply to part-time faculty. They may continue to be employed as long as they meet the minimum qualifications for employment. Provision is also made for the granting of tenure to individuals who do not meet the minimum degree requirements if the governing board determines there are rare and compelling reasons and the process for that determination has been developed jointly by the academic senate and representatives of the governing board and agreed to by the governing board.

Another related area is the establishment of faculty service areas (87743.2). These are negotiated by the exclusive representative in consultation with the academic senate. It is important that vocational faculty participate in this process so that the needs of the vocational faculty are understood and included in this process.

This bill also established in the State Treasury the Community College Faculty and Staff Development Fund (87150). Money from this fund becomes available on January 1, 1989. Campus committees are to be established to advise in the use of these funds. It is important that vocational faculty be represented on this advisory committee so that the needs of vocational faculty and staff not be overlooked. Authorized uses of these funds include maintenance of current academic and technical knowledge and skills and in-service training for vocational education and employment preparation programs (87153). These funds can certainly be of great benefit in keeping faculty current with the rapid changes that occur in industry.

Finally the bill contains a number of provisions for funding studies or pilot programs as funds become available. Among them are the development of "interdisciplinary colleges" within selected colleges. These interdisciplinary colleges would have a special concern with the integration of vocational and academic study (SEC> 60). Vocational faculty, as well as non-vocational faculty, must be involved in the development of these special programs to ensure that the needs of students in both vocational and academic areas are balanced into a cohesive whole that provides a unique learning experience for the student.

Another proposed study will determine the extent to which students are underrepresented in vocational education programs (SEC 64). The emphasis of this study will be to determine what needs to be done to increase enrollment and opportunity for success for all students.

The bill also calls for the Board of Governors and the State Department of Education to assist school districts and community college districts in developing and maintaining articulated programs that coordinate vocational education in the high schools and community colleges (2+2 programs), and for the Board of Governors of California Community Colleges and the Trustees of the California State University to jointly develop and maintain articulated programs which facilitate transfer of students in vocational programs (SEC. 69).

This bill contains many elements which will effect how our colleges function in the future. I have dealt only with those which have immediate, direct effect on vocational faculty and students. I urge you to read carefully the entire bill to obtain a clearer understanding of the far-reaching effects it will have.

October 29, 1988

TO: Karen Sue GROSZ, President
State Academic Senate

FROM: Affirmative Action Committee Pat Siever, Chair

Karen,

Please find below a synopsis of the Affirmative Action components vis a vis AB1725. For expediency, this synopsis will be brought to your home prior to 10/31/88 so that it can be included in the packets to be sent out prior to our Fall Session, 1988.

Affirmative Action Elements Within AB1725

It seems that the affirmative action sections of the bill per se will not have a great direct impact upon the academic senates. But, it could be anticipated they will do so indirectly, and within the broader context of "trailer legislation."

1. Section 11, EC71020 (p.44): Affirmative Action Paper on Board of Governors Membership
This section would add Ed. Code Section 71020 to require the Board to triennially prepare an affirmative action paper on its own membership, and to assess its role in representing minorities, women, and the disabled. Starting July 1, 1989.
2. Section 21.7, EC.84755 (p. 10-16) (p.58-59): Program Improvement Funds
This section authorizes use of program improvement funds for activities which make progress towards district affirmative action goals and timelines.
(SEE SECTION 25, EC.87107 which seems to be interrelated with this Section 21,7).
3. Section 23, EC.87102, (pp. 61-62): Compliance And Accountability
This section amends Ed.Code Section 87102 to clarify and strengthen affirmative action responsibilities of district governing boards. To receive resources to improve its full-time/part-time ratio, a district must revise its affirmative action plan to include hiring goals. Districts will also report affirmative action success rates by providing data and other information specified by the Board of Governors.
(SEE i352295~2Ub, EC.87360- Seems that in regards to hiring the academic senates should be definitely involved in the preparation/development of hiring goals).
4. Section 24, EC.87104 (a), (P.62): Technical Assistance Team -
This section, 87104, is amended to strengthen both the accountability and service functions of the Board of Governors. In section 87104(a), the Board is directed to establish a technical assistance team for the purpose of reviewing plans and making recommendations regarding districts that fail to make measurable progress in meeting goals and timetables of their adopted plans.
 - a. Section 24, EC.87104 (b), (pp.63) : Major Service Function To Assist Districts In Recruiting-

The Board is directed to establish a major service function for recruiting minorities to the California Community Colleges as a system. BY JULY 1, 1989.

- b. Section 24, EC.87104 (c), (P.63): Systemwide Plan For Strengthening Affirmative Action This section requires the Board to adopt, by March 15, 1989, a systemwide plan for strengthening community college affirmative action policies and programs.
 - c. Comments On Section 24, EC.87104 (a - c):(See Page Two)
 - d. Some Comments On Section 24, EC.87104 (a - c): This section is consistent with the governance delineation, in that they: (1) Place mayor new emphasis on the leadership and service roles of the Board of Governors; (2) Provide the Board with the authority to effect compliance when the need arises; and (3) Focus first on the responsibility, of districts to prepare plans and timetables against which they can be held accountable!
5. Section 25, EC. 87107 (p . 63): Faculty And Staff Diversity Fund -

This is section creates fund,-administered by the Board, to pursue two goals (as opposed to quotas and mandates) for the SYSTEM as a whole (emphasis added!):
By 2005, the cumulative workforce of the colleges should reflect the adult population of the State, and (b), by 1992-93, 30% of all new hires in the SYSTEM should be ethnic minorities. It is not necessary that each district reach these goals; rather, it is the cumulative numbers or percentages for all the colleges that is relevant (emphasis added!). Further, consistent with the governance delineation, the Board is given authority to adjust these goals for the system in the future. BY 12/1/1993, the Board shall “report upon and assess the extent to which the California Community Colleges as a system have met or begun to meet the goals specified in this section.” On or after 9/30/1994, the Board may adopt regulations to revise these goals. Twenty-Five percent (25%) of the funds shall be used by the Board (See Subsections c-e).

6. Section 26, EC.87153 (h), (p.65): Staff Development -
This section includes courses and training implementing affirmative action and upward mobility programs as authorizes uses for staff development funds,
7. Section 28,EC.87360, (pp,71-72): Hiring Criteria -
This section requires district governing board’s to include sensitivity and understanding of the Averse backgrounds of community college students within their hiring criteria for faculty and administrators - These criteria are to be developed and agreed upon jointly by representatives of the local governing board and academic senate hysteria to be developed NO LATER THAN JULY 1, 1990. A.
(NOTE: This is one of the most controversial sections of AB1725)
8. Section 64, (p.86): Underrepresentation in vocational education programs -
This section requires the Board of Governors to determine the extent to which students are underrepresented in vocational education programs in community colleges on the basis of gender and/ or ethnic origin and to encourage students to enter those vocational education programs in which they are underrepresented, and to file a report with

legislative committees on their findings. **Note:** This report is filed jointly by the Board of Governors and the State Board of Education with the education policy committees of the Legislature on their findings on or before July 1, 1990.

Please note that the page referrals come from the finished and entire bill, AB1725; As Chair of the Affirmative Action committee, I know that this synopsis will be of aid to our local senators and academic senate presidents.

State Academic Senate
Executive Committee

Patricia Siever, Chair
Affirmative Action Committee

**1988 Fall Session
Background Paper**

Program Based Funding

Program based funding will begin in 1991-92 or upon the appropriation of \$140,000,000 new funding to the community colleges, whichever comes later. Following are the categories, workload measures, and standards:

<u>Programs</u>	<u>Workload</u>	<u>Standard</u>
Instruction	FTES	student/faculty=25/1
Instructional Services	FTES	ALA minimum 3% book
Student Services	Headcount	Matriculation Model
Maintenance and Operations	Gross sq ft.	Prevent Maint Model
institutional Support	% of total	CSU Admin

1. **Growth and Decline:** Growth in enrollment is paid for in full, by program, in the year it occurs, while loss of funding for enrollment decline is averaged over the next three years. Also, districts can grow back fully to their previous level of funding within three years, and districts below the average will decline at 1/2 full rate. The cap on growth is based on the statewide change in adult population, but it can be increased by the unemployment rate, high school graduation rate, or chancellor request. Local caps on enrollment growth are determined by the system.
2. **COLA:** The statutory cost of living adjustment (COLA) is the U.S. Department of Commerce implicit price deflator, which, historically, is better for the colleges; than the consumer price index or state price deflator.
3. **Program Improvement:** Program improvement funds will replace equalization, with funds provided first to districts farthest below the average statewide. At 100% of standard, all districts will receive additional funding.
4. **Expenditure Control:** Program based funding is an allocation model, not an expenditure control model of funding. While current categorical such as EOPS and DSPS will continue, the program categories listed above will be used to generate income but not limit its expenditure.
5. **Economy of scale factors:** Program based funding recognizes that certain services cost all districts the same amount, regardless of district or college size, and thus provides basic minimum costs for all districts.
6. **Hold Harmless:** No district will receive an initial allocation less than it would have received under the present funding system.
7. **Non-credit:** Allocation of funds for non-credit classes remains as at present, except that it

is built into the maintenance and operations and institutional support categories, with funding adjusted to maintain current levels of support.

8. Determination of Criteria and Standards: The Board of Governors will determine criteria and standards for funding.

Appropriations Timeline			
Year	Appropriation	Use	Linkage
88 -89	\$7.25 M	\$5 M Staff Dev 1 M Fac/Staff Diversity .2 Fund Inst Improvement .3 Program Based Funding .3 Affirmative Action .15 Accountability .3 Chancellor	None
89 - 90	>\$90 M BOG BCPs	>\$70 Program Improvement ((\$80 M in BCP) \$10 M Staff Dev Fund 6.75 Fund Inst Improvement 4 Fac Diversity Fund 1 Rollover Option Contracts .1 EERA Study .1 ESL Study .6 Program Based Funding	Abolish Card Min Quals Fac Serv Area
90 - 91	>\$160 M est CPs	>\$140 M Program Improvement 10 Staff Development 6.75 Fund Inst. Improvement 4 Fac/Staff Diversity	4-year Tenure Tenure Proc Prog Based Fund
91 - 92	Program Based Funding		

* This material is adopted from Larry Toy's analysis for the FACCC workshops.

AB 1725: Controversial Issues

87150, 87151: Faculty and Staff Development Fund

The Academic Senate and other faculty groups regard the \$5,000,000 appropriated for faculty and staff development to be augmentations to existing local district staff development funds. The Chancellor's Office, however, has suggested that these new funds may either supplement or supplant existing staff development expenditures. Supplanting existing staff development expenditures with the new appropriations could subvert the intent of these new appropriations.

87355: Grandfathering of Credentials

All instructors, librarians, counselors, and administrators have the right to continue serving under the terms of their present credentials. AB 1725 is not clear, however, on whether that right extends to instructors teaching courses under a general secondary credential for which an instructor may need a faculty service area. In fact, AB 1725 is not clear about whether continuing instructors must have faculty service areas at all, since they continue to serve under the terms of their credentials for the life of the credentials.

87357: Relationship between Disciplines and Faculty Service Areas

Differences of opinion presently exist as to how discipline areas, which set professional standards for initial hiring of faculty statewide, relate to the faculty service areas and competency criteria, which are set at the local district level through collective bargaining. Should the service areas be subsets of the disciplines (with English having service areas of composition, literature, journalism, speech, ESL, or remedial English, for example), or should service areas include a number of disciplines (with the service area being social science and the instructor facing layoff having the right to teach any course within the social sciences by virtue of holding a master's in history, for example)?

87458: Administrator Retreat Rights

Administrators who do not possess faculty tenure within the district shall have the right, under AB 1725, to retreat to a first-year probationary position, provided that the reassignment is for reasons other than poor performance. Administrators fear that the best qualified faculty and administrators will not want to leave their current positions to take position, in a new district, thereby losing faculty tenure. It has been argued that this provision could limit the field of minority candidates for administrative positions.

87743: Faculty Service Areas

Faculty service areas are at the heart of job security concerns for faculty. With rapidly changing curricular and vocational needs, increasing numbers of faculty may need to shift to new areas of

instruction, in addition, small districts have more limited resources than large districts creating additional problems for faculty who already teach in a number of different disciplines. How can the minimum standards and competency criteria be intermeshed to ensure academic quality, providing students with the best possible educational opportunity and instruction?

87102, 87107: Affirmative Action and Program Improvement Funding to Accomplish 75% Full-Time Faculty

By the 1992-93 academic year, 30% of all new administrative and faculty hires should be ethnic minorities. Thus, minorities are targeted for recruitment, training, and hiring in different provisions of AB 1725. A Faculty and Staff Diversity Fund should assist in the recruitment of minority candidates, but the compliance mechanism for accomplishing a 75% rate of full-time faculty with the use of program improvement funds suggests a threat that reform money will be withheld from recalcitrant districts which continue to use large numbers of part-time faculty. Positive incentives will do more to find, train, and hire an ethnically diverse faculty and administrative staff, as needed.

84755: Program Improvement Fund and the 50% Law

Administrators have voiced concerns that expenditures from the program improvement fund, especially for items such as reassigned time for faculty to implement reforms mandated by AB 1725, will push districts over the 50% line separating instructional from non-instructional expenditures. While it is true that this money cannot be used for instructional salaries, it can be used for counselors, and librarians salaries, while cost of living adjustments (COLA) and growth money can be used to augment instructors salaries, thereby offsetting the effect upon the 50% law.

87359, 87360, 87615: Joint Agreement on Hiring Provisions and Waivers of Minimum Qualifications

Several sections of AB 1725 state that the local academic senate and administration shall “be developed and agreed upon jointly.” Administrators and faculty members have different views of this “joint agreement,” with some administrators viewing it as little more than senate consultation, and some senates viewing it as unilateral control. In fact, the process will be as viable and meaningful as the individuals involved make it. Ideally, it should be a cooperative process with both sides feeling fully involved at all stages.

87663, 87743: Bargaining Agent Consultation with Academic Senate 87356: Senate Consultation with Bargaining Agents and Administration

Several passages within AB 1725 mandate consultation, and questions have surfaced concerning what consultation means. At best, it should ensure that the bargaining group does not go its own way without obtaining the views of the senate on items such as evaluation or competency criteria. Similarly, the statewide Academic Senate must consult with bargaining groups and administrators in developing the list of disciplines and reasonably related disciplines to ensure that clear lines of communication and information remain open.

Assembly Bill 1725
Passages with Intersegmental Implications

- 66701: Stipulates that transfer and vocational education programs constitute the “primary missions” of the community colleges. This statement of mission puts pressure upon the colleges to increase transfer rates and to increase 2+2 vocational programs.
- 66720: Mandates the development of a general education common core curriculum, completion of which will satisfy lower division general education requirements for both the University of California and California State University. The Intersegmental Committee of the Academic Senates has reached agreement on 31 units of this curriculum and continues to seek final agreement on the full curriculum.
- 84381: Expands the list of uses for the Fund for Instructional Improvement to include the following programs and services:
- Intersegmental summer programs including research projects and seminars.
 - Programs bringing visiting scholars to community college districts.
 - Interdisciplinary programs involving local non-college institutions in the arts and sciences.
 - Intersegmental research and public information projects on the environment, social history, and culture.
 - Summer “bridge” programs for the transition into college life.
- 87104: Mandates that by July 1, 1989, the Board of Governors establish “a major service function to assist districts in identifying, locating, and recruiting qualified members of underrepresented groups”
- 87107: Creates a Faculty and Staff Diversity Fund to enable the colleges to meet the mandate that by 1992-93 30% of all new hires will be ethnic minorities. Districts must report their affirmative action success rates and update affirmative action plans. Funds may also be used for extended outreach and recruitment, incentives for hire, in-service training, and other purposes of staff diversity.
- 87150-87154: Authorizes allocations for faculty and staff development. Uses of these funds include the following:
1. Improvement of teaching.
 2. Maintenance of current academic and technical knowledge and skills.
 3. In-service training for vocational education and employment preparation programs.

4. Retraining to meet changing institutional needs.
5. Intersegmental exchange programs.
6. Development of innovations in instructional and administrative techniques and program effectiveness.
7. Computer and technological proficiency programs.
8. Courses and training implementing affirmative action and upward mobility programs.
9. Other activities pursuant to criteria established by the Board of Governors.

87615: Mandates that a faculty member must have at least a bachelor's degree for tenure. For vocational faculty, this provision becomes effective January 1, 1994. Since many faculty in trade and industrial fields have not had to acquire a bachelor's degree, 4-year institutions may consider developing the bachelor's in vocational education to meet this new need.

Section. 59, uncodified mandate: Directs CPEC and the State Department of Education to design and conduct a study of English as a Second Language programs offered through adult education programs, community colleges, University of California, and California State University.

Section 60, uncodified mandate: Directs the chancellor of the community colleges to conduct a study of the feasibility of establishing interdisciplinary colleges that integrate vocational and academic study.

Section 66, uncodified mandate: Authorizes districts to "determine whether it would be beneficial for various community college departments to enter into agreements with the analogous graduate department at the University of California or California State University campus closest in proximity to the community college, to provide part-time temporary teaching positions in the district for advanced university graduate students."

Section 69, uncodified mandate: Stipulates the development of 2+2 and 2+2+2 programs. The Board of Governors is required to work with the State Department of Education and California State University in developing the programs.

AB1725: Implications for Senate/CB Relations

by Bud Hannan

Changes with respect to the faculty role in the governance of their institutions require an examination of the working relationship between local senates and their respective collective bargaining groups. Intent language in AB1725 indicates that the Legislature is fully aware of the problem. The issue is addressed in SEC, 4 (f) as follows:

Changes in the governance of the California Community Colleges will affect, and be affected by, current collective bargaining agreements and the statutes governing those agreements, and that with regard to jurisdictional matters and questions of process, there can be considerable confusion regarding the relationship between collective bargaining agents, academic units organized through the colleges including departments and schools, and the academic senates.

Consultation roles

Local level. There are three explicit directives involving a consultation role for local senates as a result of AB1725. First, "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 [emphasis added] on these procedures"(87610.1 a), Second, "In those districts where faculty evaluation procedures are collectively bargained, the faculty's exclusive representative shall consult with the academic senate prior to end in collective bargaining [emphasis added] regarding those procedures"(87663 f). Third, "Not later than July 1, 1990, each community college district shall establish 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 [emphasis added] in developing its proposals" (87743.2),

It is not clear what a consultation role implies. It is clear that the Legislature intends a strengthened role for senates in academic matters and that evaluation is a proper concern of senates from this standpoint. Examination of other systems of higher education in California [See: Academic Senates and Collective Bargaining] demonstrates that evaluation, as are faculty affairs generally, is the province of the senates. The senates and CB groups have to begin to address the question of how to create a substantive consultation procedure with this goal in mind.

State level. On the state level, AB1725 mandates an explicit consultation role for CB groups in relation to the statewide Academic Senate, as follows:

The board of governors relying primarily on the advice and judgment of the statewide Academic Senate, shall prescribe by regulation a working definition of the term "discipline" and shall prepare and maintain a list of disciplines that are "reasonably related" to one another, as that

phrase is used in the minimum qualifications. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

In formulating advice and recommendations to the board of governors regarding the definition of the term “discipline”, the statewide Academic Senate shall consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents [emphasis added]. The statewide Academic Senate shall incorporate the advice of those groups into its recommendations to the board of governors, particularly as it relates to the practical ramifications of any proposed definition of the term “discipline” on issues of reassignment, transfer, and reduction in force.

Reassignment, transfer, and reduction in force are clearly topics of interest to CB groups and acknowledged in the attempt of the Legislature to create a consultative role. Again, the meaning of consultation is subject to a wide array of interpretations.

The senates and the CB groups, on both a local and state level, need to begin immediately to construct a consultation process that facilitates the purposes intended in AB1725.

Primary Responsibility

AB1725 also mandates a “primary responsibility” for senates in a variety of roles at both the state and local level. It was an understanding of the 3409 Task Force that the term primary responsibility is a stronger term than consult. It remains to be seen, however, just how senates are to function in this capacity. Relationship of senates to their respective CB groups will have to be clarified accordingly. A particularly important example of the needed clarification is in the area of Curriculum and Academic Standards. The senate role in curriculum and academic standards is addressed in the following [70901 (b)(1)(E) and 70902 (b)(7)]:

[The Board of Governors shall establish minimum standards, including, but not limited to, the following:] Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the area of curriculum and academic standards [emphasis added].

[The governing board of each community college district shall:] Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic *senates* to assume primary responsibility for making recommendations in the areas of curriculum and academic standards [emphasis added].

An examination of PERB rulings demonstrates that CB groups have taken an active interest in curriculum and other academic matters over time [See: Academic Senates and Collective Bargaining: A Draft of Proposed Revisions to the Educational Employment Relations Act]. It is clear that the Board of Governors will seek to clarify the province of the senate as outlined in Section 61 of AB1725:

The Board of Governors of the California Community Colleges shall, by JANUARY 1, 1990, do all of the following:

- (a) Develop policies and guidelines for strengthening the role of the academic senate with regard to the determination and administration of academic and professional standards, course approval and curricula, and other academic matters.

At the same time that policies and guidelines to “strengthen the senates” are being developed, a study of The Educational Employment Relations Acts will be conducted, as mandated by Section 58 in the following:

The board of governors of the California Community Colleges shall review the education employment relations act, chapter 10.7 (commencing with Section 3450) of division 4 of title 1 of the government code, with regard to the delineation of roles and responsibilities of the academic senate and the faculty bargaining agents, especially in light of proposed changes in the role of faculty concerning hiring, peer review and evaluation, and curricular design. The results of this review including the recommendations of the board of governors shall be submitted to the legislature no later than January 1, 1993. The board of governors shall convene a committee, for the purpose of conducting the review. The committee shall include representatives from faculty and employee groups, collective bargaining organizations, and academic senates.

As areas of senate “primary responsibility” are more clearly delineated the relationship of senates to CB units will also be delineated. It is clear that a formal arena will be constructed within which most of these issues will be addressed by the statewide Academic Senate and the CB groups. The outcome of the EERA study is not nearly as clear. Even less so, it is uncertain the degree to which the local senates and their respective CB groups will work to establish their respective roles in the service of faculty in a post-reform institutional setting.

Implications

It is an established position of the Academic Senate that local senates should develop formal written delineation of functions agreements with their CB groups. It can be argued that such documents are all the more desirable in the service of mapping out issues of consultation and areas of primary responsibility.

EVALUATION

Significant Points and Questions concerning the role of Academic Senates in evaluation of contract, regular and temporary employees under AB 1725.

Components of AB 1725 (Questions in Brackets)

- A. Contract employees evaluated at least once in each academic year.
- B. Regular employees evaluated at least once in every three years
- C. Temporary employees shall be evaluated within the first year of employment. Thereafter, evaluation shall be at least once every six regular semesters, or once every nine regular quarters, as applicable.
- D. Evaluations shall be conducted in accordance with the standards and procedures established by the rules and regulations of the governing board. (Role of Senates in recommending such rules and regulations?)
- E. Evaluations shall include, but not be limited to, a peer review process.
- F. The peer review process shall be on a departmental or divisional basis.
- G. The peer review process shall address changing state demographics and affirmative action. The process is mandated to include peer's representative of California's diversity (note, shall require, language) and sensitive to affirmative action concerns. (How do we achieve without putting undue burdens on minority faculty? Should the Academic Senate recommend in situations where no underrepresented faculty are found in a department or divisor that a applicable colleague from another higher education unit be sought to participate in the process?)
- H. Where faculty evaluation procedures are collectively bargained, the CB agent shall consult with the Academic Senate prior to engaging in collective bargaining.