

RESPONSIBILITIES OF ACADEMIC SENATES WITHIN A COLLECTIVE BARGAINING CONTEXT FAM 402

I. Collegiality and Collective Bargaining

On September 13, 1978, Governor Edmund G. Brown, Jr., signed into law AB 1091, The California Higher Education Employer-Employee Relations Act (HEERA). (Education Code Section 3560, et. Seq.). This legislation provides faculty members of the CSUC an opportunity to determine whether they wish to be represented by an exclusive agent in negotiations on "wages, hours of employment, and other terms and conditions of employment" (HEERA, Section 3561, r.). This section of the Education Code also specifies the intent of the Legislature to preserve, under collective bargaining, traditional shared governance mechanisms, including consultation, and the principle of peer review in faculty personnel decisions. These intentions are expressed in Section 3561 b. of the HEERA, which reads as follows:

The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of such institutions, and declares that it is the purpose of this act to both preserve and encourage that process. Nothing contained in this chapter shall be construed to restrict, limit or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices including the Academic Senate of the University of California and the divisions thereof, the Academic Senates of The California State University and Colleges, and other faculty councils, with respect to policies on academic and professional matters affecting The California State University and Colleges, the University of California, or Hastings College of the Law. The principal of peer review of appointment, promotion, and retention, and tenure for academic employees shall be preserved.

This document has been prepared to describe the respective responsibilities of the Academic Senate of the CSUC and of local Senates or Councils in this collective bargaining context. The relationships, functions, and responsibilities proposed in this document reflect consideration of HEERA, the Constitution of the Academic Senate of The California State University and Colleges and tradition and practice in the CSUC.

II. The Traditional Role of the Academic Senate in the CSUC.

The Trustees of the California State Colleges approved the Constitution of the Academic Senate on March 8, 1963. Prior to this a majority of the voting faculty at each of a majority of the college campuses had approved the document. Encouragement for the establishment of the systemwide Academic Senate, as well for the creation of an Academic Senate on each campus, came from the Chancellor, members of the Board of Trustees and the California Legislature. The 1961 Legislature adopted Senate Resolution No. 98 and Assembly Concurrent Resolution No. 78 requesting the Trustees to establish an Academic Senate at each college "wherein the faculty members shall be freely elected by their colleagues for the purpose of representing them in the formulation of policy on academic and professional matters." Senate Resolution No. 20, which resolved that the Trustees consider establishing an Academic Senate for the CSUC system, was under discussion in the Senate Rules Committee when the Senate was created in 1963.

An examination of the Constitution of the Academic Senate CSUC, as approved by the Board of Trustees, reveals the official purposes of the Senate:

It shall be the purpose of the Academic Senate of The California State University and Colleges to serve as the official voice of the faculties of The California State University and Colleges in matters of systemwide concern; to consider matters concerning systemwide policies and to make recommendations thereon; to endeavor to strengthen the Senates and Councils of the several colleges; and to assume such responsibilities and perform such functions as may be delegated to it by the Chancellor or the Trustees of The California State University and Colleges.

Senate participation in academic, professional, and administrative matters during the 18 years of its existence evidences a tradition of shared governance in the CSUC and suggests appropriate responsibilities for the Senate under HEERA. The collective bargaining act makes explicit provision for the preservation of this tradition and mandates continuing senate involvement in academic and professional matters. (See HEERA, Section 3561 b., cited above.)

III. Academic Senate Participation in Systemwide Governance

The Academic Senate shall continue to serve as the official voice of the faculties in systemwide academic and professional matters (the Constitution of the Academic Senate CSUC, Article 1, Section 1 a.).

In respect to systemwide governance, the Academic Senate endorses the following principle:

- A.** Criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees shall be the joint responsibility of the Academic Senate and the Board of Trustees of The California State University and Colleges (HEERA, Section 3562 r.). (Criteria

and standards determined jointly by the Academic Senate CSUC and the Board of Trustees shall be considered minimal; campus senates/councils may recommend additional criteria and standards.)

- B.** The Academic Senate of the California State University and Colleges shall be consulted on the creation of systemwide and intersegmental committees, conferences, or task forces designed to deal with educational, professional, or academically-related fiscal matters, including the charge and composition of such bodies. The Academic Senate shall be responsible for the selection of faculty representatives to serve on or participate in such bodies.
- C.** The Academic Senate of The California State University and Colleges shall be the formal policy-recommending body on general, systemwide policy decisions related to the following matters:
1. minimum admission requirements for students;
 2. minimum conditions for the award of certificates and degrees to students;
 3. curricula and research programs;
 4. minimum criteria and standards to be used for programs designed to enhance and maintain professional competence, including the awarding of academic leaves;
 5. systemwide aspects of academic planning.

D. The Academic Senate of The California State University and Colleges shall be consulted on the following:

1. systemwide aspects of program review;
2. systemwide aspects of the basic direction of academic support programs;
3. systemwide policies governing the appointment and review of presidents and academic administrators;
4. policies governing the appointment and review of systemwide executive officers and academic administrators.

The Academic Senate of The California State University and Colleges shall not participate in the process of collective bargaining. Normally, matters affecting wages, hours of employment, and other terms and conditions of employment shall not be considered by the Academic Senate. The Academic Senate shall endeavor to ensure that educational and professional matters do not become subjects of bargaining.

IV. Campus Senate/Council Participation in Governance

The Academic Senate of The California State University and Colleges shall have no authority over those matters delegated to the individual campuses by the Chancellor or by the Board of Trustees of The California State University and Colleges. Furthermore, nothing in this document shall be construed to impair the right of academic senates and councils of the several campuses to communicate through appropriate channels with the Chancellor and the Board of Trustees, nor to diminish the authority of the campuses and their senates in campus matters of academic/professional criteria and standards.

Because joint decision-making and consultation between administrators and faculty is essential to the performance of the educational missions of The California State University and Colleges, the academic senates/councils of the campuses shall be the primary consultative bodies regarding educational and professional matters delegated to the individual campuses by the Chancellor or by the Board of Trustees of The California State University and Colleges and shall be consulted on fiscal matters which affect the instructional program.

In respect to campus governance, the CSUC Academic Senate endorses the following principles:

A. Responsibility shall be vested in the faculty or its elected senate/council representatives for:

1. Approval of degree candidates;
2. Development of policies governing the awarding of grades.

B. Through the campus academic senates/councils responsibility shall be vested in the faculty or its elected senate/council representatives for developing policies and making recommendations to the campus presidents on the following matters:

1. criteria and standards for the appointment, retention, awarding of tenure, promotion and evaluation of academic employees including preservation of the principle of peer evaluation and provision for the direct involvement of appropriate faculty in these decisions;
2. determination of membership in the General Faculty;
3. curricular policies, such as admission and degree requirements, approval of new courses and programs, discontinuance of academic programs, and academic standards;
4. faculty appointments to institutional task forces, advisory committees, and auxiliary organizations;
5. academic standards and academic policies governing athletics.

C. The academic senates/councils shall be the primary source of policy-recommendations to the campus president on decisions related to the following matters:

1. establishment of campus-wide committees on academic or professional matters;
2. the academic role of the library;
3. academic awards, prizes, and scholarships;
4. the academic conduct of students and means for handling infractions;
5. development of institutional missions and goals.

D. The academic senates/councils shall be consulted by the campus presidents concerning:

1. the academic calendar and policies governing the scheduling of classes;
2. policies governing the appointment and review of academic administrators.

E. This outline of functions and responsibilities is intended to provide the essentials for a satisfactory system of shared governance but should not necessarily be viewed as a comprehensive enumeration of such functions and responsibilities.