

SCCD BP 2005

Excerpt A: The Board recognizes and endorses the rights and responsibilities assigned to the Academic Senate as delineated by state statutes regarding matters to include affirmative action, hiring, minimum qualifications, equivalencies, peer review, tenure review, dismissal, faculty service areas, administrator evaluations and administrator retreat rights and the specific rights assigned to the administration, staff, and students as delineated by the statute, notwithstanding Section 53204 of Title 5:

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.

Excerpt B: The Board recognizes and endorses the rights and responsibilities assigned to the Academic Senate by state statutes and District policies regarding personnel matters to include:

- affirmative action, Education Code Section 87663 (d)
- hiring, Education Code Section 87360 (b), (administrators AB 1725 Section 4 (u) (1) page 21)
- minimum qualifications, Education Code Section 87356 (faculty and administrators)
- equivalencies, Education Code Section 87359 peer review, Education Code Section 87663 (c-h)
- tenure review, Education Code Section 87610 & 87610.1 (a), (b)
- faculty service areas, Education Code Section 87743- 87743.5
- administrator evaluations, Education Code Section 87663 (i)
- **administrator retreat rights, Education Code Section 87454- 87458 notwithstanding Section 53204 of Title 5 of the California Code of Regulations**

EDUCATION CODE – EDC

87454.

A tenured employee, when assigned from a faculty position to an educational administrative position, or assigned any special or other type of work, or given special classification or designation, shall retain his or her status as a tenured faculty member.

87457.

Whenever a person employed in an administrative position is assigned to a faculty position, the governing board of the community college district shall give the employee, when requested by him or her, a written statement of the reasons for the transfer.

87458.

A person employed in an administrative position that is not part of the classified service, who has not previously acquired tenured status as a faculty member in the same district and who is not under contract in a program or project to perform services conducted under contract with public or private agencies, or in other categorically funded projects of indeterminate duration, **shall have the right to become a first-year probationary faculty member once his or her administrative assignment expires or is terminated** if all of the following apply:

- (a) 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.
- (c) The administrator has completed at least two years of satisfactory service, including any time previously served as a faculty member, in the district.
- (d) The termination of the administrative assignment is for any reason other than dismissal for cause.
- (e) This section shall apply to every educational administrator whose first day of paid service in the district as a faculty member or an administrator is on or after July 1, 1990.

(Amended by Stats. 2001, Ch. 144, Sec. 1. Effective January 1, 2002.)