

Passages from the California Education Code Specifying the Roles of the Academic Senate

The following section highlights some of the significant segments of the California Code of Regulations with links to the sections on the [California Legislative Information](#) website. Education Code changes with new legislation, so this handbook hyperlinks to the most current versions of the codes, rather than excerpting them here. These important legal strictures are designed to ensure faculty's full participation in the educational and governance processes at community colleges.

- [Ed. Code: § 70902 \(b\)\(7\) Governing Boards; Delegation](#)
Requires the local Board of Trustees to establish procedures to ensure participatory governance.
- [Ed. Code: § 87359 \(b\) Waiver Of Minimum Qualifications; Equivalency](#)
Requires the local Board of Trustees to rely primarily upon the advice of the senate regarding faculty meet minimum qualifications.
- [Ed. Code: § 87360 \(b\) Hiring Criteria](#)
Requires the local Board of Trustees to develop hiring criteria, policies, and procedures for new faculty members.
- [Ed. Code: § 87458 \(a\) Administrative Retreat Rights](#)
Requires the local Board of Trustees to rely primarily upon the advice and judgment of the academic senate regarding procedures regarding administrators retreating into faculty positions.
- [Ed. Code: § 87610.1\(a\) Tenure Evaluation Procedures](#)
Requires that collective bargaining agents, or faculty unions, consult with the academic senate prior to negotiating tenure evaluation procedures.
- [Ed. Code: § 87663 \(f\) Evaluation Procedures](#)
Requires that collective bargaining agents, or faculty unions, consult with the academic senate prior to negotiating faculty evaluation procedures.
- [Ed. Code: § 87743.2 Faculty Service Areas](#)
Requires that collective bargaining agents, or faculty unions, consult with the academic senate prior to negotiating Faculty Service Areas (FSA).

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Senate/Union Relations

The academic senate and a college's collective bargaining agent, or faculty union, work together for the benefit of faculty, but questions often arise concerning the roles of the respective organizations. Put in its simplest terms, the academic senate represents the faculty in academic and professional matters and the collective bargaining agent represents the faculty regarding working conditions.

More specifically, the academic senate represents the faculty in the eleven specific areas defined by [Title 5](#). Furthermore, the Education Code¹ assigns additional responsibilities to academic senates, such as minimum qualifications and equivalency processes, faculty hiring, faculty evaluation and tenure review, administrative retreat rights, and faculty service areas. The collective bargaining agent represents the faculty in such areas as workload, assignment, working hours, academic calendar, and salary and benefits.

¹ Specifically §§ [87610.1\(a\) Tenure Evaluation Procedures](#), [87663\(f\) Evaluation Procedures](#), and [87743.2 Faculty Service Areas](#) of the Education Code requires collective bargaining agents (unions) to consult with the academic senate prior to negotiating faculty tenure and performance evaluation procedures as well as Faculty Service Areas.

Typically, the role and responsibilities of the collective bargaining agent are evident in the agreement between the bargaining agent and the district.

The roles and responsibilities of the academic senate and the bargaining agent frequently, and with good reason, overlap. For example, "policies for faculty professional development" is one of the academic and professional matters assigned to the academic senate by Title 5. However, many collective bargaining agreements also address such areas, particularly with respect to flex service—though the focus might tend more toward the legal aspects of professional development such as service obligations. Likewise, sabbatical leaves (terms, application process, requirements, pay) are typically addressed in the collective bargaining agreement. However, as the intent of sabbaticals is promote professional and personal growth and faculty professional development is among the academic and professional matters, some local senates elect the sabbatical committee chair, appoint committee members, and approve specific sabbatical proposals, which has the effect of making the sabbatical committee a senate committee. Protecting a senate committee's status in the contract does not make it any less a senate committee. The contract language should ensure that the local senate retains its right to appoint and report and to render decisions.

These examples demonstrate how local academic senates and the collective bargaining agents comingle their responsibilities. Those purviews are further entangled as the Education Code requires that bargaining agents consult with the academic senates prior to engaging in bargaining on evaluation, tenure review processes, and faculty service areas. Additionally, the bargaining agent should consult with the senate prior to negotiations to determine any additional areas of mutual interest and concern to be bargained. Some senates and unions may wish to establish joint committees or issues-oriented task forces to exchange information. Each organization has its primary area of responsibility and focus, and each may—and likely will—approach issues differently. In addition, each organization represents the same group of people. Faculty interests are best served when the two faculty representative groups work cooperatively with each other.