Ins and Outs of the 10+1 and Other Faculty Rights

Nick Strobel + Ann Tatum

Monday, August 15 1:30 to 2:30 in L160
Outcomes

• Define the role of the Academic Senate and what is meant by “academic and professional matters”

• Summarize the ten AP matters of Title 5 § 53200 plus others given by Board and by Education Code

• Know your Weingarten Rights and when to get your union representative involved

• Locate and use resources on the Academic Senate’s, CCA, KCCD’s, and Board Docs for being an effective voice of faculty in the decision-making processes
Academic Senate

• AB 1725 in 1988

• Bakersfield College forms Academic Senate on April 12, 1989

• Academic Senate is the sole voice of the faculty for making recommendations to the Chancellor and Board of Trustees on academic and professional matters (BP 8100)

• Academic and professional matters includes the “10+1” and a few others given in Education Code
Getting to Board Policies and Procedures

1. Navigate to the Board of Trustees section.

2. Select the Board Policy & Procedures link.
<table>
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<tr>
<th>Title</th>
<th>Board Policy</th>
<th>Administrative Procedure</th>
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<tr>
<td>BP 8100: Recognition of Academic Senates</td>
<td>BP 8100</td>
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<td>BP 8200: Responsibilities of the College Academic Senates</td>
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<td>BP 8300: Recommendation and Consultation</td>
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<td>BP 8400: Scope</td>
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<td>BP 8700: Faculty Hiring</td>
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<td>BP 8800: Adjunct Employment</td>
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<td>BP 8900: Temporary Full-time Faculty Employment</td>
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Title 5 § 53200 “10+1” (BP 8100)

• Curriculum, including establishing prerequisites and placing courses within disciplines

• Degree and certificate requirements

• Grading policies

• Educational program development

• Standards or policies regarding student preparation and success

• College governance structures, as related to faculty roles

• Faculty roles and involvement in accreditation processes, including self-study and annual reports

• Policies for faculty professional development activities

• Processes for program review

• Processes for institutional planning and budget development (these ten are “rely primarily upon”)

• Other academic and professional matters as mutually agreed upon between the governing board and the academic senate
Other Academic & Professional Matters in Education Code

- Determinations of minimum qualifications and equivalency (BP 8700)
- Hiring criteria, policies, and procedures (BP 8700)
- Administrative retreat rights (BP 7250)
- Tenure evaluation procedures (union consults with Academic Senate)
- Faculty evaluation procedures (union consults with Academic Senate)
- Faculty service areas (union consults with Academic Senate)
Other Academic and Professional Matters in Board Policy

• Rely Primarily Upon: (ch 4) academic calendar; program, curriculum and course development; program review; academic freedom; guest lecturers/classroom and campus visitors; library and learning support services; articulation; university transfer agreements; delineation of function agreements; graduation requirements for degrees and certificates; independent study; distance education; nursing programs; honorary degrees, standards of scholarship; non-degree applicable basic skills courses; course repetition, grading and academic record symbols; grade changes; credit for prior learning; credit from other institutions; academic renewal; probation, dismissal, and readmission; prerequisites and co-requisites; field trips and excursions; controversial issues in curriculum // (ch 5) admissions & concurrent enrollment; instructional materials; student success and support programs // (ch 6) budget preparation // (ch 7) supervisors and managers

• Process of mutual agreement: (ch 7) educational administrators
Committees Relationship to Academic Senate

• Process for committee charge approval

• Required to review charge at beginning of academic year = fall to spring

• Senate interviews committee chairs and sends recommendation to College President who makes final appointment

• Senate ensures decision-making processes are followed but not micromanage committee decisions.

• Committees report recommendations and other actions at Senate meeting
Getting to the Decision-Making Document

1. Welcome to the KCCD Committees Page!

2. Strategic Planning
   - Decision Making Document

3. Decision Making Document
   - Document Archive
     - 2020 Decision Making Process Graphic
       approved 11/06/20
     - 2010 Decision Making Document
       approved 11/06/20
       reviewed and revised by College Council 10/16/15
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Senate website + Board Docs

• What’s on the Senate website

• How to get to Board Docs (3 ways)
KCCD CCA

- Union representation at Bakersfield College: Kern Community College District Community College Association

- CCA is under NEA and CTA

- Represents all faculty (full- and part-time) at all three colleges (Bakersfield, Cerro Coso, and Porterville)—all faculty are “members,” but only dues paying members have access to all benefits (such as legal representation)

- Collective Bargaining and Weingarten Rights
Collective Bargaining

• “a mutual exchange of positions followed by agreement” –NEA

• Member surveys—bargaining—discussion/ratification (only dues-paying members vote)

• The result: a Collective Bargaining Agreement or CBA (aka “the contract”)

• CBAs take precedence over Board Policy, but CA Ed Code, Labor Laws, and Criminal/Civil Laws take precedence over CBAs

• Mainly covers working conditions (as allowed by law)
Where to Find the CBA

• A copy is posted at the KCCD Human Resources website: https://www.kccd.edu/departments/human-resources

• A copy (plus a “tracked changes” copy) is posted on the KCCD CCA website: http://www.kccdcca.com/faculty-contract.html

• You can request a paper copy from Human Resources.
Weingarten Rights

• 1975 U.S. Supreme Court Decision: NLRB vs. J. Weingarten (The position of the NLRB was upheld):

• “If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. When the employee makes the request for a union representative to be present, management has three options:

  • 1) it can stop questioning until union representation arrives,

  • 2) it can call off the interview or,

  • 3) it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to union representation (an option the employee should always refuse).”
Weingarten and the CBA

• Because Weingarten is a legal right, it does not have to be in any contract for it to apply to all faculty when meeting with management. We do have it listed as part of progressive corrective action:

• “At all stages of the progressive corrective action process, faculty members have the right to CCA representation. Faculty members may also request CCA representation in cases when they reasonably believe that the meeting may lead to disciplinary action.” (Article 14.C.3)

• Management does NOT have to inform you of this right.
Need a Rep?

• Any member may serve as a rep, even if they are not part of the Executive Council (but official reps and officers may have more experience).

• You can find current representatives’ names and contact info on the CCA website under “Governance.”

• You can always start with your campus chair: Ann Tatum (atatum@bakersfieldcollege.edu)