

Human Resources

BP 7250 EDUCATIONAL ADMINISTRATORS and RETREAT RIGHTS

References:

Education Code Sections 72411 et seq., 87002(b), 87454 and 87457-87460;
California Code of Regulations, Title 5, Sections 53420 and 53430
Government Code Sections 3540.1(g) and (m);
Wong v. Ohlone College (2006), 137 Cal.App.4th 1379, 40 Cal.Rptr.3d 923.

An administrator is a person employed by the Board of Trustees in a supervisory or management position as defined in Government Code Sections 3540 et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

Educational administrators shall be in possession of the following minimum qualifications for service:

1. Possession of a master's degree; and
2. One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment; and
3. Minimum qualifications in a Faculty Subject Area (FSA) at the time of hire.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation and benefits shall be set by the Board of Trustees upon recommendation by the Chancellor.

EDUCATIONAL ADMINISTRATOR ACADEMIC RETREAT RIGHTS

I. Tenured Educational Administrators

In accordance with Education Code Section 87454, an educational administrator whose administrative assignment is terminated and who has acquired faculty tenure within the District shall have the right to be reassigned to a regular faculty position, provided the reason for the termination of the administrative assignment is other than dismissal for cause pursuant to Education Code Section 87732 and in accordance with the following provisions:

1. The retreating administrator will be placed on the salary schedule in accordance with the procedure agreed upon by the district and the faculty association (collective bargaining unit).
2. The administrator's original established service area or the service area in which the administrator did the majority of his or her teaching while a faculty member will be used to determine discipline placement.
3. The administrator will not replace a regular (tenured) or contract (tenure-track) faculty member in the affected discipline unless the cause for reassignment is a reduction in force.

For situations other than a lay-off or non-renewal of contract, the administrator shall make a formal request for a faculty position to the Chancellor. The Chancellor will notify the College Academic Senate President and the College President of the request. The College Academic Senate President will notify members of the affected discipline and the Academic Senate at the affected College of the request. The members of the affected discipline, College Academic Senate and College President may provide their recommendations regarding placement to the Chancellor for his/her consideration.

In situations regarding a lay-off or non-renewal of contract (other than for cause), Section 87454 of the Education Code shall apply.

II. Non-tenured Educational Administrators

An educational administrator whose administrative assignment is terminated and who does not have faculty tenure within the District shall have the right to become a first-year probationary faculty member, provided the reason for the termination of the administrative assignment is other than dismissal for cause pursuant to Education Code Section 87732 and in accordance with the following provisions:

1. The administrator meets minimum qualifications for the requested faculty position, as specified in the list of disciplines as adopted by the Board of Governors of the California Community Colleges, and other such qualifications as may be required in accordance with the collective bargaining agreement between the District and the District Faculty Association.
2. The administrator has completed at least two years of satisfactory service within the District, including any prior service as a faculty member.
3. The administrator was hired by the District on or after July 1, 1990.
4. The administrator is not replacing a regular (tenured) faculty member or a contract (tenure-track) faculty member.
5. A position for the retreating administrator must be available within the District.

This position shall have been properly created by the strategic planning committee and will have been appropriately allocated, budgeted, vetted and prioritized in accordance with the prevailing procedures on the affected College.

6. The retreating administrator will be placed on the salary schedule in accordance with the procedure agreed upon by the district and the faculty association (collective bargaining unit).

The administrator shall present a formal request for a faculty position to the Chancellor. If a position is available in the requesting administrator's discipline, the Chancellor will notify the District Academic Senate President and the President of the College at which the available position exists. Upon notification of the request, the District Academic Senate President shall notify the Academic Senate President of the affected College and all members of the affected discipline.

The affected college's Academic Senate President will work with the discipline to form a committee consisting of three (3) discipline members and the department chair serving as an ex-officio (non-voting) member of the committee. If and only if the department chair is also a member of the affected discipline, then the committee will consist of three members (the two discipline members and the department chair). If the affected college does not have sufficient discipline members to form a committee of this size, the college Academic Senate President shall recruit members from a closely related discipline.

The committee shall meet to review the administrator's request and to assess the administrator's academic and teaching competencies. As a minimum, all requesting administrators will be required to present a demonstration of competence in teaching or equivalent for the committee. The review process shall be similar to, but no more stringent than, that used by the discipline when hiring new faculty with the aim of assessing the retreating administrator's appropriateness for a tenure-track position within the discipline.

The committee shall make its recommendation to the affected College's Academic Senate within 30 days from the date of the request. The Senate shall take the recommendation forward to the Chancellor and the Board of Trustees as soon as practicable after receipt of the recommendation.

The process shall further require that the governing board shall provide the College 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 Education Code Section 87358.

Date Adopted: June 21, 2011