

ACADEMIC SENATE
of
THE CALIFORNIA STATE UNIVERSITY

AS-2601a-03/AA
March 6-7, 2003

Reaffirming Statutory Authority for Faculty
Development of Curriculum

RESOLVED: The Academic Senate of the California State University request both the Board of Trustees and the Office of the Chancellor of the California State University to join with its Academic Senate in urging the members of the Legislature of the State of California to adhere to the provisions of sections 3560 (c) and sections 3561 (b) and (c) of the California Government Code of Regulations which indicate unequivocally that the development and execution of curriculum within the California State University and its 23 member campuses should be insulated from political influence.

RATIONALE: With an appreciation for the need to keep the development and execution of the curricula of the campuses of California's higher education systems free from political influence, the Legislature of the State of California, in collaboration with the Governor, enacted the provisions of sections 3560 (c) and 3561 (b) and (c) of the California Government Code of Regulations. These code provisions acknowledge the need for insulation of higher educational curricular process from the influence of politically mediated and/or politically motivated intrusion, to wit: "The people of the State of California have established a system of higher education under the Constitution of the State of California with the intention of providing an academic community with full freedom of inquiry and insulation from political influence in the administration thereof."

Within the California State University, generally, and on all 23 campuses of the system specifically, institutionally imbedded processes of curriculum development and approval involving faculty discipline specialists, departments, and curriculum committees at both the college and university level ensure the focus, breadth, integrity and quality of the curriculum. Groups lobbying on behalf of specific disciplines have succeeded in convincing our state legislative bodies that the long-term benefits to be derived from leaving the development and execution of curriculum to curriculum specialists within higher education disciplines were neither genuine nor meaningful. Because the legislative

process is neither designed nor equipped to develop curriculum through collegial collaboration, fostering widespread institutional buy-in, curricular mandates originating within the legislature run the risk of imposing poorly crafted, inadequately fiscally supported curricula and curriculum development guidelines on our universities.

While it is imperative that both legislators and the legislative process have access to and input from specialists in areas germane to legislative inquiry, when these inquiries suggest a need for curricular change the legislature is urged to follow both the language and the intent of the relevant government codes and refer suggestions for curricular changes to the appropriate faculty body.

APPROVED UNANIMOUSLY – March 6-7, 2003

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 3560-3562.1

3560. The Legislature hereby finds and declares that:

- a. The people of the State of California have a fundamental interest in the development of harmonious and cooperative labor relations between the public institutions of higher education and their employees.
- b. All other employees of the public school systems in the state have been granted the opportunity for collective bargaining through the adoption of Chapter 10.3 (commencing with Section 3512) and Chapter 10.7 (commencing with Section 3540), and it would be advantageous and desirable to expand the jurisdiction of the board created there under to cover the employees of the University of California, Hastings College of the Law, and the California State University. These institutions of higher education have their own organizational characteristics.
- c. The people of the State of California have established a system of higher education under the Constitution of the State of California with the intention of providing an academic community with full freedom of inquiry and insulation from political influence in the administration thereof. In so doing, the people have caused to be created the regents to govern the University of California, a board of directors to govern Hastings College of the Law, an affiliate of the University of California, and a board of trustees to govern the California State University.
- d. The people and the aforementioned higher education employers each have a fundamental interest in the preservation and promotion of the responsibilities granted by the people of the State of California. Harmonious relations between each higher education employer and its employees are necessary to that endeavor.
- e. It is the purpose of this chapter to provide the means by which relations between each higher education employer and its employees may assure that the responsibilities and authorities granted to the separate institutions under the Constitution and by statute are carried out in an atmosphere which permits the fullest participation by employees in the determination of conditions of employment which affect them. It is the intent of this chapter to accomplish this purpose by providing a uniform basis for recognizing the right of the employees of these systems to full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of representation in their employment relationships with their employers and to select one of these organizations as their exclusive representative for the purpose of meeting and conferring.

3561.

- a. It is the further purpose of this chapter to provide orderly and clearly defined procedures for meeting and conferring and the resolution of impasses, and to define and prohibit certain practices which are inimical to the public interest.
- b. The Legislature recognizes that joint decisionmaking 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 these institutions, and declares that it is the purpose of this chapter 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 other faculty councils, with respect to policies on academic and professional matters affecting the California State University, the University of California, or Hastings College of the Law. The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved.
- c. It is the policy of the State of California to encourage the pursuit of excellence in teaching, research, and learning through the free exchange of ideas among the faculty, students, and staff of the University of California, Hastings College of the Law, and the California State University. All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the University of California, Hastings College of the Law, and the California State University.