

Participating Effectively
in
District and College Governance

(The Law, Regulations and Guidelines)

Kern Community College District
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COLLEGIALITY IN ACTION

Effective Participation Fundamentals



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

ACADEMIC SENATE
for California Community Colleges



Community College League
OF CALIFORNIA

The California Community College System

- When did we begin?
- Where did we begin?
- What is our mission?



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES



A Little Bit of History—The CCC Mission

1907 ■ “Public Junior Colleges” established in California to teach the first two years of university study for high school graduates.

1917 ■ Training in “mechanical and industry arts, household economy, agriculture, civic education and commerce” added to mission.



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES



A Little Bit of History—The CCC Mission

- 1960 ■ Donahoe Act sets primary missions of the junior colleges as transfer courses, vocational and technical study leading to employment, and general or liberal arts courses.
- 1976 ■ Name changed to “community colleges” and community services added to the mission.



A Little Bit of History—The CCC Mission

- 1988 ■ AB 1725 (Vasconcellos) sets the following mission priorities:
 - Lower Division Arts and Sciences
 - Vocational and Occupational Fields
 - Remedial Instruction
 - Adult Noncredit Education
 - Community Service Courses and Programs



A Little Bit of History—The CCC Mission

- 1996 ■ “Advancing California’s economic growth and global competitiveness through education, training and services that contribute to continuous work force improvement” added to mission.



AB1725: Redefining Our System

What did AB 1725 do?

- Funding system changed
- Mission priorities set
- Established faculty qualifications, tenure periods, evaluation processes
- Set goal of 75% full-time faculty
- Funding for professional development
- Diversity goals set
- Delineated governance and decision-making



AB1725: Redefining Our System

What was the intent of AB 1725?

- Enhance community college image
- Increase support for more money
- Move from K-12 to higher education
- Develop more unified system
- Institutional renewal



A Hypothetical Scenario for Discussion

The college administration decides that, due to a shortage of counselors, the best use of the college's Student Success and Support Plan (SSSP) funding is to hire non-faculty advisors to help students develop education plans. The counseling faculty protest this decision to the local academic senate, and as a result the senate president refuses to sign the SSSP plan. Leaders of the student government also come forward to protest the decision. Nevertheless, the administration remains convinced that the plan to hire advisors is in the best interests of the college and moves the plan forward for approval by the board of trustees. Both faculty and students attend the board meeting to protest.



Governance in the California Community Colleges

- What is participatory governance?
- What is shared governance?
- What is the difference?



Participatory Governance

“ ... not a simple process to implement – goodwill, thoughtful people, a willingness to take risks and the ability to admit problems exist – can go far toward establishing a positive environment...”

The central objective should be creation of a climate where energy is devoted to solving crucial educational tasks and not to turf battles over governance.”

CCCT/CEOCCC Policy Paper, December 1989



Title 5 Terminology: Effective Participation

Participating effectively in district and college governance is shared involvement in the decision-making process.

- It does not imply total agreement;
- The same level of involvement by all is not required; and
- Final decisions rest with the board.



Benefits and Values of Our Governance System

- Expertise and analytical skills of many
- Understanding of objective/decisions
- Commitment to implementation
- Leadership opportunities
- Promotion of trust and cooperation
- Opportunities for conflict resolution
- Less dissent



Challenges of Our Governance System

- Participation by individuals with limited expertise
- Time away from other duties
- Can require considerable time for decision
- Shared accountability
- Differing expectations and understanding
- Potential conflict if board/designee rejects recommendation



The Law—Education Code

Board of Governors shall establish "minimum standards" and local governing boards shall "establish procedures not inconsistent" with those standards to ensure the following:

- Faculty, staff and students the right to participate effectively in district and college governance
- The right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

Education Code Sections 70901 and 70902



Regulation: Academic Senate Role

(a) The governing board shall adopt policies for appropriate delegation of authority and responsibility to its academic senate.

...providing at a minimum the governing board or its designees consult collegially with the academic senate when adopting policies and procedures on **academic and professional matters**.

Title 5 § 53203



Regulation: Academic Senates

"Consult collegially" means

1. Relying primarily upon the advice and judgment of the academic senate; or
2. Reaching mutual agreement between the governing board/designee and representatives of the academic senate.

Title 5 § 53200



Questions on Collegial Consultation

- Who decides which of the two processes in the regulations, "rely primarily" or "mutual agreement," should be used on a given issue?
- Must a local board select only one procedure for addressing all ten of the identified academic and professional matters, or can there be a different approach used for the different matters?



Questions on Collegial Consultation

- If the governing board chooses the option to "rely primarily" on the advice of the academic senate on a specific issue, is the board required to accept the recommendation of the senate?



Regulation: Academic Senates

(d)(1) Governing board action: **Rely Primarily**

- **recommendations of the senate will normally** be accepted
- only in **exceptional circumstances and for compelling reasons** will the recommendations not be accepted
- If not accepted, board/designee communicate its reasons in writing, if requested

Title 5 §53200



Question

- A district governing board which chooses the "rely primarily" procedure is normally supposed to accept recommendations of the senate in any of the ten defined areas of "academic and professional matters" unless there are "exceptional circumstances" and "compelling reasons." What do these mean?



Question

- A district governing board that chooses the "mutual agreement" procedure is supposed to reach written agreement on an issue with the senate. When may a board act if it is not able to reach mutual agreement with the academic senate?



Regulation: Academic Senates

- (d)(2) Governing board action: **Mutual Agreement**
- If agreement not reached, existing policy remains in effect unless
 - exposure to legal liability
 - or substantial fiscal hardship.
 - If no policy or existing policy creates exposure to legal liability or substantial fiscal hardship
 - board may act if agreement not reached
 - if good faith effort first
 - only for compelling legal, fiscal, or organizational reasons

Title 5 §53200



Important Notes on Collegial Consultation

- The Board has the final say
- The Board is never prohibited from acting
- "Exceptional circumstances" and "compelling reasons" vs. "compelling legal, fiscal, or organizational reasons"



Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation matters:

1. Degree and certificate requirements
2. Curriculum, including establishing prerequisites and placing courses within disciplines
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success

Title 5 §53200



Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation matters:

6. District and college governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation processes, including self study and annual reports
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development, and...



Questions on Collegial Consultation

One of the ten areas of "academic and professional matters" is "processes for institutional planning and budget development."

Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?



Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation matters:

“Plus one”:
Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.



Scenario #1 (from Scenarios to Illustrate Effective Participation in District and College Governance)

The administration met over the summer to discuss college reorganization. When faculty returned in the fall, they were presented with a draft plan which merged discipline departments into new divisions. The merged division offices were to be separated into two locations. In one location would be the classified staff and the faculty mailboxes and in the other location would be the offices of the division deans. The stated purposes of the draft plan were to 1) enable student services and instruction to work together in an integrated fashion, 2) commingle faculty from the general education and vocational education disciplines, and 3) balance the workload of the division deans.



Scenario #2 (from Scenarios to Illustrate Effective Participation in District and College Governance)

The faculty and staff development committee has approved a particular flex day activity for faculty. A group of faculty object to this activity, have gotten no satisfaction in complaints to the faculty and staff development committee, and now have brought a resolution to the academic senate to stop that particular activity.



Questions on Collegial Consultation

- Which is “better” for local senates, “rely primarily” or “mutual agreement”?



Other Legal Provisions Related to Faculty

Curriculum Committee: Established by mutual agreement of administration and senate
Title 5 § 55002

Administrator Retreat Rights: Process agreed upon jointly; board to rely primarily upon the advice and judgment of the academic senate to determine that the administrator possesses minimum qualifications for employment as a faculty member
Ed Code § 87458



Other Legal Provisions Related to Faculty

Appointments to College Bodies: The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.
Title 5 § 53203 (f)



Other Legal Provisions Related to Faculty

Equivalencies to Minimum Qualifications:

Process, criteria and standards agreed upon jointly by board designee and academic senate

Ed Code § 87359

Faculty Hiring: Criteria, policies and procedures shall be agreed upon jointly by board designee and academic senate

Ed Code § 87360



Other Legal Provisions Related to Faculty

Collective Bargaining

- Decision-making policies and implementation cannot detract from negotiated agreements on wages and working conditions
- Academic senate and bargaining representatives may establish agreements as to consulting, collaborating, sharing or delegating (Title 5 §53204)
- In those districts where the following are collectively bargained, the exclusive bargaining agent shall consult with the academic senate prior to engaging in bargaining on: Faculty Evaluation (Ed Code §87663), Tenure (Ed Code §87610.6) and Faculty Service Areas (Ed Code §87743.2)



Staff Roles in College Governance

- Governing boards adopt policies and procedures that provide staff opportunity to participate effectively in district and college governance.
 - formulation and development of policies and procedures, and
 - processes for jointly developing recommendations that have or will have a significant effect on staff.
- Board shall not take action on matters significantly affecting staff until the recommendations and opinions of staff are given every reasonable consideration.

Title 5 § 51023.5



Student Roles in College Governance

- Governing boards adopt policies and procedures that provide students opportunity to participate effectively in district and college governance on formulation and development of policies and procedures and processes for jointly developing recommendations that have or will have a significant effect on students.
- Board shall not take action on a matter having a significant effect on students until recommendations and positions by students are given every reasonable consideration.
 - Title 5 §51023.7



Regulation: Students

Policies and procedure that have a "significant effect on students" include :

- (1) **grading policies**
 - (2) **codes of student conduct**
 - (3) **academic disciplinary policies**
 - (4) **curriculum development**
 - (5) **courses or programs which should be initiated or discontinued**
 - (6) **processes for institutional planning and budget development**
 - (7) **standards and policies regarding student preparation and success**
 - (8) **student services planning and development**
 - (9) **student fees within the authority of the district to adopt**
 - (10) **any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students**
- Title 5 § 51023.7



Question on Collegial Consultation

Does the term "rely primarily upon the advice and judgment of the academic senate" mean that the governing board should not receive and consider the advice and judgment of others on issues of "academic and professional matters?"



Scenario #3 (from *Scenarios to Illustrate Effective Participation in District and College Governance*)

Following a recommendation of its Educational Policies Committee, consisting of faculty representatives of each of the college divisions, the academic senate has passed a resolution calling for the governing board to establish plus/minus grading. Grading policies are a “rely primarily” issue in the district. The item is placed on the board agenda and the associated students president objects on the grounds that students did not participate in the development of the recommendation. The governing board pulls the item from the agenda and asks the academic senate and the associated students to work together on the proposal.



Question

- Should the advice and the judgment of the academic senate be accorded greater weight than the advice and judgment of other groups and constituencies in connection with “academic and professional matters?”



Question

- Do these regulations have the force of law?



Question

- What powers do the Board of Governors have to enforce Title 5 Regulations such as the ones on strengthening local senates?



LOU	REGULATIONS LEVEL OF PARTICIPATION	REGULATIONS AREA OF PARTICIPATION	REGULATIONS CONSISTENCY OF RECOMMENDATIONS
FACULTY	<ul style="list-style-type: none"> Local boards shall Academic Senate right to assume primary responsibility for recommending on Curriculum Academic standards 	<ul style="list-style-type: none"> Academic and professional matters 1. Curriculum 2. Degree 3. Learning 4. Program development 5. Student standards 6. Faculty role in governance structures 7. Accreditation 8. Professional development 9. Processes for program review 10. Processes for planning & budget 11. Other 	<ul style="list-style-type: none"> Consult collegially Effect initial agreement Act primarily on advice and judgment of academic senate
STAFF	<ul style="list-style-type: none"> Right to participate effectively Provided opportunity to participate in formulation of Phases Processes and Processes that have a significant effect on staff 	<ul style="list-style-type: none"> Significant effect on staff 	<ul style="list-style-type: none"> Given "very reasonable consideration"
STUDENTS	<ul style="list-style-type: none"> Right to participate effectively Provided opportunity to participate in formulation of Phases Processes and Processes that have a significant effect on students 	<ul style="list-style-type: none"> Significant effect on students 1. Grading 2. Codes of conduct 3. Academic discipline 4. Curriculum development 5. Program creation and discontinuance 6. Processes for budget & planning 7. Student preparation and success 8. Student services planning & development 9. Fees 10. Other 	<ul style="list-style-type: none"> Given "very reasonable consideration"



Scenario #4 (from Scenarios to Illustrate Effective Participation in District and College Governance)

The matriculation coordinator needs the signature of the academic senate president on the matriculation budget report the day before the report is due. There has been no prior opportunity for consultation, and this is the first time the academic senate president has seen the report. The academic senate president refuses to sign.



Scenario #5 (from *Scenarios to Illustrate Effective Participation in District and College Governance*)

A new occupational program is being considered, one which is unrelated to any existing program at the college. The college does not currently employ any faculty in the discipline covering the new program, either full- or part-time. Developing a job announcement through the Office of Instruction and using the Dean of Occupational Education and the Director of Community Services as the screening committee, the president is set to recommend to the governing board the hiring of two part-time faculty to develop the curriculum for the new program. This method of developing a job announcement and screening candidates does not follow the existing hiring policy.



Thank You

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