



ACADEMIC SENATE
for California Community Colleges
LEADERSHIP • EMPOWERMENT • VOICE

Senate Purview and Collegial Consultation

Los Rios Community College District

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Outcomes

- Review the authority of the academic senate in the areas of academic and professional matters
- Discuss the areas of the 10+1 and the senate role
- The role of Chancellor and the local Board of Trustees (BOT) in consulting collegially with local academic senates
- Suggestions for what to do when there is a breakdown in process or communication
- Potential steps to take if there is no local resolution to issues of governance in the areas of academic and professional matters



Governance Defined

“Shared governance” is not defined in the Education Code, Title 5, nor any other statute or regulation. There is, however, the provision in Title 5, California Code of Regulations section 51203.5(a) (4) that “staff shall be provided with opportunities to participate *in the formulation and development of district and college policies and procedures*, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.”



CALIFORNIA EDUCATION CODE

Laws resulting from
legislation

Requires legislation to be
changed

Always supersedes Title 5
regulation

Governance was amended
by AB 1725 in 1988

TITLE 5



California Code of Regulations



Derived by the Board of Governors from Ed. Code



Division 6 - applies to California Community Colleges



Regulation with the force of law

Title 5 (California)

Title 5: § 53203

- The governing board shall adopt policies for appropriate delegation of authority and responsibility to its academic senate.
- ...providing at a minimum the governing or its designees
- consult collegially with the academic senate when adopting policies and procedures on academic and professional matters.



Consulting Collegially

- Consult collegially means that the district governing board shall develop policies on academic and professional matters through either or both of the following:
 - rely primarily upon the advice and judgment of the academic senate, or
 - reach mutual agreement between the governing board/designee and the academic senate/designee



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



Mutual Agreement

- If agreement is not reached, existing policy remains in effect unless it exposes the district to legal liability or substantial fiscal hardship.
- If no policy or existing policy creates exposure to legal liability or substantial fiscal hardship the board may act if agreement is not reached: if a good faith effort first or for compelling legal, fiscal or organizational reasons.



Pop Quiz:

At Los Rios Community College District, does your BOT rely primarily upon the recommendation, or does your BOT have mutual agreement?



Academic and Professional Matters: The 10+ 1

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



10+1 Continued

6. District & college governance structures, as related to faculty roles
7. Faculty roles in accreditation processes
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for planning & budget development

+1= Other academic & professional matters,
as are mutually agreed upon between the governing board and the academic senate.

--For example, faculty hiring practices and minimum qualifications.



Typical Areas under the 10 + 1 (not an exhaustive list)

- Curriculum/Program- Creation, review and discontinuance
- Any Requisites (pre/co)
- Academic Standards Reviews
- Degree and Certificate Requirements
- Grading Policies (including EW or other grades)
- Placement Policies
- Planning and Budgeting Processes
- Equivalencies
- Faculty Evaluations (input)
- Review of BP and APs related to the 10+1
- Accrediation participation including self study
- Governance Structures/Committee structures
- Faculty appointments to committees and search committees
- Professional Development and Flex
- Credit for Prior Learning (CPL)
- Student Support Services
- Processes for faculty hiring



Activity – Whose Purview is It?

- For each scenario, determine the following:
 - Whose purview is it?
 - What steps did you take to determine whose purview it is?
 - If it is not expressly DAS purview, how can the DAS engage other District or local college stakeholders in conversations about these topics?



What if it is not part of the 10+1?

- Work with other groups to address concerns (unions, classified, students, administrators)
- Create open dialog between unions and senates
- Create defined roles for each group and address combined areas of purview like faculty evaluations.
- Work proactively together emphasizing the purview and strengths of each group.



Work together with other constituent groups

- Work with your classified colleagues, student groups, and unions.
- It is harder to say no to multiple groups.
- Bring shared concerns to Chancellor and BOT.
- Use joint resolutions to make a statement.



Resolution – Collegial Consultation (Fall 2019)

- RESOLVED, the LRCCD Academic Senate urges the LRCCD Chancellor and Vice Chancellor of Education and Technology to continue to work with the LRCCD Academic Senate to develop and implement a system of mutual accountability with clear and measurable criteria to ensure that collegial consultation on academic and professional matters is occurring consistently



What the Board Policies Say

- P3411 - Participatory Governance (LRCCD)
- P3412 – Academic Senate (LRCCD)



LRCCD DAS Constitution

- The District Academic Senate President and the President of each college Academic Senate shall have a recognized chair at all formal meetings of the Board of Trustees and shall be empowered to speak to the items under consideration. Article 4, Section 4.
- The Academic Senate of a college within the District may present views and recommendations to the Chancellor for inclusion in the Board Agenda as information items. The Board of Trustees shall consider and respond to such views and recommendations. (Title 5, Section 53200 of the California Code of Regulations.) Article 4, Section 5.
- Upon request of the District Academic Senate, and subject to the limitations of the "Brown Act," the Board shall meet and confer with representatives of the District Academic Senate either as: (1) a full Board of Trustees; or (2) through designated Board of Trustees members; or (3) through designated administrative officers. Article 4, Section 6.



Questions to ask about your local process

- Are BOT or designee required to give a written response upon a verbal request at the BOT Meeting?
- Are BOT or designee required to give a written response upon a written request at the BOT Meeting?
- If the BOT or designee does not respond to a request made in an appropriate matter what should the individual or group do in or to receive a written response?



What if they say No?

With both “primarily rely upon” and “mutually agree upon” items where the board rejects recommendations of the senate, the senate should be introspective and ask themselves a few questions. Before heading down a path that could irreparably damage working relationships with their administration, the senate should consider:

- Was there a **good faith effort** to reach agreement between the administration and the senate? This is the time for the senate to be introspective on the process: was the stumbling block the administration or was it the fact that the faculty would not even consider the administration’s perspective?
- What is the potential **legal liability**? Note this should be a conversation about the legal requirements not whether or not the senate likes the law or requirement being discussed.
- Is the issue that the senate has with the administration’s **interpretation** of the legal requirement or the strategy by which the administration is proposing the district comply with the requirement?
- What is the potential “**fiscal hardship**” that the administration is attempting to avoid? Why does the senate feel that it is not a compelling argument: would they prefer other strategies, do they disagree that there is a potential fiscal hardship, or are there other reasons that the senate disagrees with the administration about a potential “fiscal hardship?”
- Are the circumstances behind this board decision **exceptional and compelling**? Is this action of the board part of a pattern of the administration and the board of rejecting recommendations by the senate or is this an “exceptional circumstance?”



Develop a workshop for your BOT and Chancellor/Vice Chancellor

- Set the stage for how you would like to work with you BOT and Chancellor/Vice Chancellor.
- Emphasize a tone of engagement and interaction rather than a lecture or a list of grievances.
- Provide clear information about roles and responsibilities (provide BOT members with relevant Ed Code and Title 5 citations).
- Focus on how working together will support students.
- Allow time for discussion, build a connection.
- Leave the attendees with contact information and or set up a follow up meeting.



Brown Act: Open and Public

- Anyone can attend BOT meetings.
- Anyone can provide public comment.
- Multiple public comments can emphasize points.
- Public comments from multiple groups can make a difference.



Accreditation (ACCJC)– Standard 4

- The institution recognizes and uses the contributions of leadership throughout the organization for promoting student success, sustaining academic quality, integrity, fiscal stability, and continuous improvement of the institution. Governance roles are defined in policy and are designed to facilitate decisions that support student learning programs and services and improve institutional effectiveness, while acknowledging the designated responsibilities of the governing board and the chief executive officer. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution.



Accreditation- Standard 4A

- 3. Administrators and faculty, through policy and procedures, have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise.
- 4. Faculty and academic administrators, through policy and procedures, and through well-defined structures, have responsibility for recommendations about curriculum and student learning programs and services.
- 5. Through its system of board and institutional governance, the institution ensures the appropriate consideration of relevant perspectives; decision-making aligned with expertise and responsibility; and timely action on institutional plans, policies, curricular change, and other key considerations.
- 6. The processes for decision-making and the resulting decisions are documented and widely communicated across the institution.
- 7. Leadership roles and the institution's governance and decision-making policies, procedures, and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.
 - If a violation causes the college not to meet accreditation standards or eligibility requirement an urgent letter to the Accrediting Commission for Community and Junior Colleges (ACCJC) may be sent or a third party report can be addressed to the commission during the self evaluation.



Seek Advice

- Informally reach out to other senate leaders. Use this information to reopen a discussion of the issues.
- Contact the Academic Senate of the California Community Colleges (ASCCC) to request help. This can be a preliminary “email consultation” with info@asccc.org
- A local senate visit where members of the ASCCC Executive committee can come out to your campus to work with your senate. <http://asccc.org/contact/request-services>



Collegiality in Action Visit

- Request a Technical Assistance visit from the ASCCC and the Community College League of California (CCLC). The ASCCC and the CCLC have joined together to offer a program of assistance for local colleges and districts. The purpose of the program is to help districts and colleges successfully implement state law and regulations that call for effective participation by faculty, staff and students in district and college governance. No joint service will be provided unless there is a written request for assistance signed by the college president or district chancellor and local academic senate president.

<http://asccc.org/services/technical-assistance>



Appeal to the Chancellor's Office

- The senate may file a complaint with the California Community College State Chancellor's office to establish that Title 5 has been violated and seek that the State Chancellor's office intervene. The senate may file suit in state court to enjoin the district from implementing the new policies due to a substantial violation of Title 5.
- The court case of *Irvine Valley College Academic Senate v. Board of Trustees of the South Orange County Community College District*, 129 Cal.App.4th 1482 (2005) established that academic senates have the grounds to sue districts for violations of Title 5.



Things to remember

- Remember the Voice of the Body is the collective voice of the Constituent group
- Focus on Academic Senate 10+1 purview areas
- Base your recommendations to the college in your role and responsibilities as Staff, Faculty, and students (provides more authority)
- Regularly communicate concerns and issues between constituent groups
- Work collectively with Unions, other Classified Senates in the District Student Senates and Academic Senate. Shared voices stronger and harder to ignore.
- Be pro-active on areas of interest. Create goals or areas of focus.
- Celebrate the amazing work of your colleagues!



Questions

