

Participating Effectively
in
District and College Governance

(The Law, Regulations and Guidelines)

Kern CCD
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District and College Governance**
The Law, Regulation and Guidelines



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

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for California Community Colleges





Community College League
OF CALIFORNIA

AB 1725 Timeline

1984 ■ CEOs call for review; Legislation establishes Commission for Review of Master Plan; Initial study of community colleges

1985 ■ Committees, studies, consultants, hearings – Californians for Community Colleges: *Towards Excellence*

1986 ■ Commission report on community colleges: *Challenge of Change*



AB 1725 Timeline



1987 ■ Legislative Committee report: *Building California's Community Colleges*

1988 ■ AB 1725 signed by governor (Assembly: 74-1; Senate 38-0)

1989 ■ \$70 million base funds added

1990 ■ \$70 million more added to base

2006 ■ SB 361 replaced AB 1725 program-based funding



AB1725 Concerns

Mission

- Priorities set
- Common transfer core
- Remedial limits
- Fund for Instructional Improvement

Governance

- State and local delineations
- Eleven point accountability
- Decision-making



AB1725 Concerns

Funding

- Program based funding (later replaced in SB 361)
- Program improvement fund (19 areas)



AB1725 Concerns

Faculty and Staff

- Credentials repealed (add minimum qualifications, local hiring criteria, faculty service areas)
- Tenure to four years
- Evaluation/peer review
- Administrator contracts
- Goals of 75% of credit hours taught by full-time
- Staff development
- Diversity goals



Intent of Reform

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



Definition

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 or designee.



Value

- 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

- 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



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



The Law

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

- Faculty, staff and students the right to participate effectively in district and college governance and
- 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 Senates

(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 (§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...



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.



Question

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

"Consult collegially" means:

Relying primarily upon the advice and judgment of the academic senate; or

Reaching mutual agreement between the governing board/designee and representatives of the academic senate.

Title 5 §53200



Question

Who decides which of the two processes in the regulations, “rely primarily” or “mutual agreement,” should be used on a given issue?



Question

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?



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



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



Question

If the governing board chooses the option to "rely primarily" on the advice of the academic senate in any of the ten defined areas of "academic and professional matters," is the board required to accept the recommendation of the senate?



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 which chooses the "mutual agreement" procedure is supposed to reach written agreement with the senate in any of the ten defined areas of "academic and professional matters." When may a board act if it is not able to reach mutual agreement with the academic senate?



Question

- Which is "better" for local senates, "rely primarily" or "mutual agreement"?
- Board is never prohibited from acting.
- "exceptional circumstances: and "compelling reasons" VS "are "compelling legal, fiscal, or organizational reasons"



Other Legal Provisions

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

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

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)



Regulation: Staff

- 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



Regulation: Students

- Governing board adopt policies and procedures that provide students opportunity to participate effectively in district and college governance on formulation and development 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



Other Legal Provisions

- (c) policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.



Question

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?”



Question

Should the advice 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?



Summary

Faculty | Students | Staff

Law and Regulation

- Level of Participation
- Areas of Participation
- Consideration of Recommendations



Thank You

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LAW	REGULATIONS LEVEL OF PARTICIPATION	REGULATIONS AREAS OF PARTICIPATION	REGULATIONS CONSIDERATION OF RECOMMENDATIONS
<p>FACULTY</p> <p>*Right to participate effectively</p> <p>*Academic Senate right to assume primary responsibility for recommending on:</p> <ul style="list-style-type: none"> ● Curriculum ● Academic standards 	<p>*Local boards shall:</p> <ul style="list-style-type: none"> ● Consult collegially on ● Academic and professional matters 	<p>*Academic and professional matters</p> <ol style="list-style-type: none"> 1. Curriculum 2. Degree 3. Grading 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 	<p>*Consult collegially</p> <ul style="list-style-type: none"> ● Reach mutual agreement ● Rely primarily on advice and judgment of academic senate
<p>STAFF</p> <p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of:</p> <ul style="list-style-type: none"> ● Policies, ● Procedures, and ● Processes that have a ● Significant effect on staff. 	<p>*Significant effect on staff</p>	<p>*Given "every reasonable consideration"</p>
<p>STUDENTS</p> <p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of</p> <ul style="list-style-type: none"> ● Policies, ● Procedures and ● Processes that have a ● Significant effect on students. 	<p>*Significant effect on students</p> <ol style="list-style-type: none"> 1. Grading 2. Codes of conduct 3. Academic discipline 4. Curriculum 5. Education programs 6. Processes for budget & planning 7. Student standards 8. Student services planning & development 9. Fees 10. Evaluation & hiring 11. Other 	<p>*Given "every reasonable consideration"</p>