

## Academic Senate Report to College Council

Steven Holmes

May 3, 2019

### District-wide Budget Committee Update

- February 26      Academic Senate President, Steven Holmes expressed concern about three district office positions added mid-year to the 2018-19 budget  
*Noted in the March 26, 2019 District Consultation Council Minutes*
- March 14        Academic Senate President, Steven Holmes, reports to the Board of Trustees concerns about the budget process not being following for the three district office positions. Requested Item 10F be tabled for the process to take place. Requests written response from Board regarding their vote on item 10F against the recommendation of the Academic Senate.  
*Noted in the KCCD Board of Trustees Minutes, March 14, 2019*
- March 28        Academic Senate Resolution, Institutional Planning and Budget Development Process  
*Email and resolution attached*
- April 11        Academic Senate President, Steven Holmes, report to the Board of Trustees.  
Reported that the Academic Senate had not received the previously requested written response from the Board. Chancellor Burke indicated that a letter had been sent certified mail.  
*Noted in the KCCD Board of Trustees Minutes, April 11, 2019*
- April 11        Academic Senate received a letter from Chancellor Burke at the end of the Board meeting stating the Board of Trustees is not required to provide a response.  
*Letter attached*
- April 15        BC Professor and DW Budget Committee Member, Nick Strobel, letter to Chancellor Burke regarding the budget development process.  
*Letter attached*
- April 17        Academic Senate President, Steven Holmes, email to Chancellor Burke and Board of Trustees requesting once more a written response from the Board of Trustees  
*Email attached*
- April 22        Chancellor Tom Burke, response to Academic Senate's request at March Board meeting.  
*Email and response attached*
- April 26        District-wide Budget Committee recommends that district office budget should not include any increases until the Student Center Funding Formula (SCFF) model issues are resolved and district revenue is determined.

**From:** Steven Holmes

**Sent:** Thursday, March 28, 2019 2:54 PM

**To:** Tom Burke <[tburke@kccd.edu](mailto:tburke@kccd.edu)>

**Cc:** Benjamin Beshwate <[bbeshwat@cerrocoso.edu](mailto:bbeshwat@cerrocoso.edu)>; Jeff Keele <[jkeele@portervillecollege.edu](mailto:jkeele@portervillecollege.edu)>

**Subject:** BC Academic Senate Resolution - Institutional Planning and Budget Development Processes

Kern Community College Board of Trustees and Chancellor Thomas Burke,

Please find attached the Bakersfield College Academic Senate Resolution – Institutional Planning and Budget Development Processes – unanimously approved March 27, 2019.

As noted within the Resolution, the Bakersfield College Academic Senate is requesting the KCCD Board of Trustees and Chancellor Thomas Burke to respect the KCCD internal processes for institutional planning and budget development established by the academic senates as ordered in California law, KCCD's own board policy, and ACCJC accreditation standards to facilitate collegial consultation focusing on a student first approach in providing quality instruction; and further requesting the KCCD Board of Trustees temporarily suspend the hiring of the Human Resources – Director; Human Resources – Specialist, and Business Services – Contract Manager until collegial consultation regarding these positions, and other potential district office positions, has been concluded within the districtwide Budget committee and District Consultation Council.

Steven Holmes

President, Bakersfield College Academic Senate

**BAKERSFIELD COLLEGE ACADEMIC SENATE RESOLUTION**  
**Institutional Planning and Budget Development Processes**

WHEREAS, California Educational Code Title 3, Section 70902 (b) (7) states, the governing board of each community college district shall “establish procedures that are consistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards”;

WHEREAS, California Code of Regulations, Title 5, Section 53200 (b) states, the academic senate’s “primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters”;

WHEREAS, California Code of Regulations, Title 5, Section 53200 (c) (10) and the Kern Community College District Board Policy 5A4 classify academic and professional matters into 10+1 policy development and implementation matters, including processes for institutional planning and budget development;

WHEREAS, ACCJC Standard III.D.3 states, "The institution clearly defines and follows its guidelines and processes for financial planning and budget development, with all constituencies having appropriate opportunities to participate in the development of institutional plans and budgets”;

WHEREAS, ACCJC Standard IV.C.7 states, "The governing board acts in a manner consistent with its policies and bylaws”;

WHEREAS, the Kern Community College District (KCCD), to ensure collegial consultation and guarantee the right to participate effectively in district governance and institutional planning and budget development has created districtwide committees including the Budget committee and District Consultation Council;

WHEREAS, at the districtwide Budget committee meeting, February 22, 2019, employees from both Bakersfield College and Cero Coso College expressed to the committee chair, KCCD Chief Financial Officer Debbie Martin, concerns the planning and budget development process had been circumvented by the district office moving forward with new positions in the Human Resources department;



**BAKERSFIELD COLLEGE ACADEMIC SENATE RESOLUTION**  
**Institutional Planning and Budget Development Processes**

WHEREAS, at the District Consultation Council meeting, February 26, 2019, the Bakersfield College Academic Senate raised concerns to both Chancellor Tom Burke and Vice Chancellor, Human Resources Tonya Davis that the planning and budget development processes had been violated by the district office with the moving forward of positions in both the Human Resources and the Business Services departments;

WHEREAS, at the KCCD Board of Trustees' meeting, March 14, 2019, the Bakersfield College Academic Senate notified Trustees that established planning and budget development processes developed to ensure the right to participate effectively in district governance had not been fully executed with regards to three (3) positions listed on agenda item 10F, KCCD 2018-19 Budget Adjustment District Operations, Human Resource – Director, Human Resources – Specialist, and Business Services – Contract Manager;

BE IT RESOLVED, the KCCD Board of Trustees and Chancellor Thomas Burke respect the KCCD internal processes for institutional planning and budget development established by the academic senates as ordered in California law, KCCD's own board policy, and ACCJC accreditation standards to facilitate collegial consultation focusing on a student first approach in providing quality instruction;

FURTHER BE IT RESOLVED, the Bakersfield College Academic Senate request the KCCD Board of Trustees temporarily suspend the hiring of the Human Resources – Director; Human Resources – Specialist, and Business Services – Contract Manager until collegial consultation regarding these positions, and other potential district office positions, has been concluded within the districtwide Budget committee and District Consultation Council.



OFFICE OF THE CHANCELLOR  
2100 CHESTER AVENUE  
BAKERSFIELD, CA 93301-4099  
(661) 336-5104

March 21, 2019

Bakersfield College Academic Senate  
1801 Panorama Drive  
Bakersfield, CA 93305  
Attn: Steven Holmes, Bakersfield College  
Academic Senate President

Dear Professor Holmes:

Subject: [March Board Agenda Item #10F] 2018-19 Adopted GU001 Unrestricted Budget Change

You have requested a statement from the Board addressing the reasons why the Board voted to approve agenda item 10.F. at its March, 2019 meeting. The Board is not required to provide such a statement and, as a practical matter, it would be inappropriate to do so.

The Board of Trustees is comprised of seven individual members representing five trustee areas. As provided in BP 2G Standards of Good Practice and BP 2H1 Standards of Practice, each board member is required to "vote their conscience" and "base individual decisions on available facts." Each board member makes an individual decision to vote for or against a request for approval. There may be seven or more individual reasons why the individual members of the board reached a collective decision to approve an agenda item. The board collectively does not have a reason, only a consensus.

Sincerely,

Thomas J. Burke  
Chancellor Kern Community College District

Cc: KCCD Board of Trustees  
Sonya Christian, Bakersfield College President

**From:** Nick Strobel <[nstrobel@bakersfieldcollege.edu](mailto:nstrobel@bakersfieldcollege.edu)>

**Sent:** Monday, April 15, 2019 7:31 AM

**To:** Tom Burke <[tburke@kccd.edu](mailto:tburke@kccd.edu)>

**Subject:** Request for the Board of Trustees to follow established budget development processes

Chancellor Burke:

At yesterday's Board of Trustees meeting, Trustee Corkins and you both stated that proper consultation procedure was used before posting the three District Office management positions (two in HR and one in Bus Svcs). The public record shows that this is physically impossible for two of the District Office positions according to the timeline.

For two of the DO positions, NO ONE had a voice in the decision before they were posted.

The posting for the Purchasing and Contracts

Manager <https://careers.kccd.edu/postings/11373> shows it was posted on January 29, 2019 with initial screening date of March 18th. The posting for the Human Resources

Specialist <https://careers.kccd.edu/postings/11372> shows it was posted on February 11, 2019 with the initial screening date of March 5th.

The first consultative body that was given the opportunity to look at the DAURs with the budget requests was Chancellor's Cabinet on February 16, 2019. The positions were already posted by then and the college presidents and vice-presidents were informed of the decision, not consulted.

The Districtwide Budget Committee's first opportunity to discuss the DAURs was on February 22, 2019 and NO indication was given that the decision had already been made. The first opportunity for District Consultation Council to discuss the DAURs was at their February 26, 2019 meeting. There is no note in the DCC minutes that the two positions were already posted (<https://committees.kccd.edu/sites/committees.kccd.edu/files/District%20Consultation%20Council%20Minutes-February%202019.pdf> and scroll down to end of page two). Furthermore, Business Services was not even present at that meeting to be asked about the Purchasing and Contracts Manager request in their DAUR. The Board of Trustees formally voted on those two positions at their March 14 meeting. See the problem with the timeline?

Following state law, Board Policy 5A4 gives the Academic Senate a role in making recommendations on professional matters that include processes for institutional planning and budget development. Board Policy 5A7 states that the Board of Trustees shall rely primarily upon the advice and judgement of the Academic Senates in professional matters listed in BP 5A4, one of which includes processes for institutional planning and budget development.

When the Board and DO do not follow established budget development PROCESSES and when the Academic Senate is given a "rely primarily upon" authority in developing processes for institutional planning and budget development, the Academic Senate has the right to make a recommendation to the Board regarding the lack of due process in budget development. If the Board chooses not to follow the recommendation of the Academic Senate to follow proper process, then BP 5C3 states that the "Board of Trustees or its designee, upon request of the



Academic Senates, shall promptly communicate its reasons for its action in writing to the Academic Senates.”

Steven Holmes made such a recommendation (i.e., the Board should follow established budget process) and requested a written response as stated in BP 5C3 for why they did not follow the process. You can verify that he made the recommendation that the Board follow established budget PROCESS and that “exceptional circumstances” did not exist that would prevent the Board from following the established budget PROCESS by viewing the recording of the meeting at [https://youtu.be/v41\\_EdPe32Y?t=2892](https://youtu.be/v41_EdPe32Y?t=2892) (the link takes you right to when he began speaking, so you don’t have to view the other stuff and the relevant part is just four minutes long). His request for the written response to why the Board did not follow the recommendation to follow PROCESS is given at [https://youtu.be/v41\\_EdPe32Y?t=3660](https://youtu.be/v41_EdPe32Y?t=3660) .

A letter was sent certified mail to Bakersfield College and never got delivered to Steven. My recollection based on a quick read of the letter is that the letter included the statement that the Chancellor or Board of Trustees were not required to communicate their reasons for posting the positions before consultation had occurred (for not following established process). Board Policy 5C3 is posted at <https://do-prod-webteam-drupalfiles.s3-us-west-2.amazonaws.com/kccdedu/s3fs-public/Section%205.pdf> .

The fact that the letter was sent certified mail indicates that the walls are going up between the District Office and Bakersfield College. That’s a shame. When we’re getting extra pressure from the state (CCCCO and legislature) to improve student success, we need to work as a team and Kern County has had enough of the old mode of operations of a few years ago. Perhaps you could come to a Districtwide Budget Committee to talk about the decision-making process or clear the air about what you believe happened with the DO positions or agendize it at a District Consultation Council, so we can talk it out and work toward re-establishing trust and a collaborative culture.

Nick Strobel

[nstrobel@bakersfieldcollege.edu](mailto:nstrobel@bakersfieldcollege.edu)

Astronomy Notes website:

<https://www.astronomynotes.com>

**From:** Steven Holmes  
**Sent:** Wednesday, April 17, 2019 1:12 PM  
**To:** Tom Burke <[tburke@kccd.edu](mailto:tburke@kccd.edu)>  
**Cc:** Tarina Perry <[tperry@bakersfieldcollege.edu](mailto:tperry@bakersfieldcollege.edu)>; bc\_acadsen\_exec <[bc\\_acadsen\\_exec@listserv.bakersfieldcollege.edu](mailto:bc_acadsen_exec@listserv.bakersfieldcollege.edu)>; bc\_acadsen <[bc\\_acadsen@listserv.bakersfieldcollege.edu](mailto:bc_acadsen@listserv.bakersfieldcollege.edu)>; Sonya Christian <[sonya.christian@bakersfieldcollege.edu](mailto:sonya.christian@bakersfieldcollege.edu)>  
**Subject:** March 21, 2019 Request to KCCD Board regarding Agenda item #10F

April 17, 2019

Kern Community College Board of Trustees and Chancellor Thomas Burke,

In light of your initial unsuccessful attempt to deliver, via certified mail, communication dated March 21, 2019, re: March Board Agenda Item #10F 2018-19 Adopted GUOO1 Unrestricted Budget Change, to the Bakersfield College Academic Senate, please send all future communication(s) via e-mail to BC Academic Senate President Steven Holmes ([sholmes@bakersfieldcollege.edu](mailto:sholmes@bakersfieldcollege.edu)) and copy the BC Academic Senate Administrative Secretary Tarina Perry ([tperry@bakersfieldcollege.edu](mailto:tperry@bakersfieldcollege.edu)).

It should further be noted, according to your correspondence to the BC Academic Senate, Sonya Christian, Bakersfield College President, was copied on the communication. A request by the BC Academic Senate to the BC President's Office regarding the copied correspondence found the BC President's Office also did not receive the correspondence.

Upon receipt and review of your communication, personally provided by Chancellor Burke following the April 11, 2019 KCCD Board of Trustee's meeting, the BC Academic Senate disagrees with your response: "The Board is not required to provide such a statement and, as a practical matter, it would be inappropriate to do so."

Accordingly, California Code of Regulations Title 5 states:

"The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

- (1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate."

Further, the Kern Community College District Board Policy Chapter 5 – Academic Senate and Faculty Employment, reiterates Title 5 language and advances all policies within Chapter 5 as "rely primarily upon the advice and judgement".

Additionally, at the November 28, 2017 Kern Community College District workshop, "Participating Effectively in District and College Governance (The Law, Regulations and Guidelines) presenters Dr. Julie Bruno and Dr. Rajen Vurdien conveyed the right of the Academic Senate to request and the obligation of the Board to response in writing when an academic senate recommendation is not accepted.

We look forward to your prompt written reasoning for not accepting the "rely primarily upon the advice and judgement" recommendation made before the Board of Trustee at the March 21, 2019 meeting.

Steven Holmes  
President, Bakersfield College Academic Senate



**From:** Tom Burke  
**Sent:** Monday, April 22, 2019 2:23 PM  
**To:** Steven Holmes  
**Cc:** Sonya Christian ([sonya.christian@bakersfieldcollege.edu](mailto:sonya.christian@bakersfieldcollege.edu))  
**Subject:** RE: March 21, 2019 Request to KCCD Board regarding Agenda item #10F  
**Importance:** High

Steve:

My response to your email of April 17, 2019 is attached.

Tom

To: Steve Holmes  
President Bakersfield College  
Academic Senate

Date: April 22, 2019

From Tom Burke, Chancellor

Subject: March Board Agenda Item #10F

Dear Mr. Holmes:

I am in receipt of your email of April 17, 2019. I disagree with the Bakersfield College Senate's position regarding the required collegial process and the budget change approved by the Board at its regular March meeting. The following outlines my reasons for disagreement and my conclusion that the actual ***budgeting*** of ***administrative*** positions at the District Office or Colleges is outside the collegial consultative process.

KCCD Board policy 6A3 states that "[t]he Academic Senate of each College shall be recognized to make recommendations with respect to academic and professional matters to the College President and Management Team of each College, and, if necessary, consult collegially with the Board of Trustees about individual College matters as outlined in Board Policy 6A4." Board Policy 6A4 defines the term "academic and professional matters." There are 10 plus 1 academic and professional matters as enumerated in Title 5 CCR 53200 and also in KCCD Board Policy 6A4; however, only 2 of 10 relate to the district's decision to add new positions to the district office staff; number 6, "District and college governance structures, as related to faculty roles." and number 10, "processes for institutional planning and budget development."

My position is based upon the published resource by the Academic Senate for California Community Colleges (ASCCC), *Participating Effectively in District and College Governance* <https://www.asccc.org/papers/participating-effectively-district-and-college-governance> The two related academic and professional matters are set forth below:

"9. QUESTION: One of the eleven areas of academic and professional matters is district and college governance structures, as related to faculty roles. Must the district consult collegially on the administrative organization chart of the district and/or college?"

ANSWER: "No. How the administration is organized may be a matter for wide participation by the affected parties but is outside the scope of the district's responsibility to consult collegially with the Senate. However, organizational changes which affect academic and professional matters such as curriculum or faculty role in governance would require consultation with the academic senate."

"10. QUESTION: another one of the 11 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?"

ANSWER: The regulation relates only to the process. The academic senate is to be consulted collegially in shaping the processes used for developing the plans and budgets to be acted upon by the governing board. The board is not required to either "rely primarily" on the Senate's recommendations or reach mutual agreement with the senate on the plans and budgets themselves."

I also believe that there was a collegial opportunity for review of these positions and time to change course should a compelling argument for such change be presented. These positions have been the subject of District AUR reports for the last two years and were included in the District Human Resources and Business Services AUR's that were published publically in 2017-18 (2 of the positions) and 2018-19 (all 3 of the positions). Recently they were discussed at the District Wide Budget Committee meeting of January 25<sup>th</sup> and were followed up with two requests for further input on the AUR's from the committee via emails issued on 2/2/19 and 3/25/19 by the District CFO, for which no input was received. My understanding is that the positions were discussed again in DWBC at its meeting on February 22<sup>nd</sup>. The CFO shared with me those comments made at that meeting as well. As you're also aware, the positions were discussed at the last two District wide Consultation Council meetings. I believe the Business Services position was also discussed at the January meeting. In addition, as you're aware these positions were discussed at the January, March and April Board of trustees meetings. You made very clear to me and the Board of Trustees at their March and April Board meetings the BC Academic Senate position regarding these positions and the BC Senate's alternative recommendation outlined in their resolution. The Board has not indicated to me that they would like to change course away from their March budget change decision and thus I can only conclude that they are still compelled by the CFO and Vice Chancellor of Human Resources arguments that these positions are needed now to address critical Business Services and Human Resource needs. I also concur with the Board of Trustee's, CFO and Vice Chancellors of Human Resources position and have not been persuaded by the BC Senate's arguments to change course and adopt the Senate's alternative recommendation.

At this juncture we will have to agree to disagree on this issue and I recommend we move forward accordingly. We will add a collegial consultation discussion item for both the upcoming April District Wide Budget committee meeting and District Wide Consultation Council meeting.

Tom Burke

Chancellor